



Ordinary Council Meeting

22 June 2021

Minutes

To: The President and Councillors

Here within the Minutes of the Ordinary Council Meeting of the Shire of Toodyay held on the abovementioned date in the Council Chambers at the Shire of Toodyay, 15 Fiennes Street, Toodyay.



Suzie Haslehurst
CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

The Shire of Toodyay works together with the community to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

Vision: We are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.

Purpose: Local Government and community working together to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

Community Values: We value highly:

- Our sense of community support and spirit;
- Our natural environment and healthy ecosystems;
- Our rural lifestyle;
- Our historic town; and
- Our local economy built on agriculture and emerging tourism, arts and cultural opportunities.

Shire Values: To progress the community's aspirations, the Shire is guided by:

Integrity: We behave honestly to the highest ethical standard.

Accountability: We are transparent in our actions and accountable to the community.

Inclusiveness: We are responsive to the community and we encourage involvement by all people.

Commitment: We translate our plans into actions and demonstrate the persistence that produces results.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken as notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

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ATTACHMENTS *with separate index follows Item 16.*

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

These minutes were approved for distribution on 23 June 2021.

Suzie Haslehurst
CHIEF EXECUTIVE OFFICER

These minutes were confirmed at a meeting held on 27 July 2021.

Signed: R. M. Meadows

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.



1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr Madacsi, Shire President, declared the meeting open at 4.02 pm and read aloud an Acknowledgement of Country:

"I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging."

2. RECORDS OF ATTENDANCE

Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr T Chitty	
Cr P Hart	
Cr M McKeown	
Cr S Pearce	
Cr B Rayner	

Staff

Ms S Haslehurst	Chief Executive Officer
Mr J Augustin	Manager Assets and Services
Mr M Werder	Acting Manager Corporate & Community Services
Mr H de Vos	Acting Manager Planning & Development
Mrs M Rebane	Executive Assistant

Visitors

P Ruthven
R Pearce

2.1 APOLOGIES

Cr Bell

2.2 APPROVED LEAVE OF ABSENCE

Cr Bell - 25 May 2021 to 21 June 2021 inclusive.

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Bell requested via email that he be granted Approved Leave of Absence from 22 June 2021 to 4 July 2021 inclusive.

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO.
123/06/21**

MOVED Cr Madacsi

That the Application for Leave of Absence by Cr Bell from 22 June 2021 to 4 July 2021 inclusive be granted.

MOTION CARRIED 7/0

3. DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4. PUBLIC QUESTIONS *(responded to by the Shire President unless otherwise indicated)*

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 25 May 2021 the following questions were taken on notice:

E Twine

Summary of Question Two

Would I be correct in saying that the last time the Long-Term Financial Plan was reviewed and endorsed was at the 23 June 2020 Ordinary Council Meeting with a 7/0 vote? Is that correct?

Acting Manager Corporate and Community Services response:

The Long-Term Financial Plan was reviewed at an Ordinary Council Meeting on 23 June 2020 (Res. No. 204/06/20).

E Twine

Summary of Question Three

When the Long-Term Financial Plan was reviewed on 23 June 2020, and endorsed, was the rate revenue adjusted in the plan?

Acting Manager Corporate and Community Services response:

The 2021-2030 Long Term Financial Plan contemplates an annual rate increase of 2.5% across the life of the plan which is the same as the 2018/2019 to 2027/2028 Long Term Financial Plan. The LTFP is a required planning document and the Council is able to make decisions for each year at the Budget adoption to reflect the current environment.

4.2 PUBLIC QUESTION TIME

Nil.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council held on 25 May 2021.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 124/06/21

MOVED Cr Hart

SECONDED Cr Madacsi

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 25 May 2021 be confirmed.

MOTION CARRIED 7/0

5.2 Special Meeting of Council held on 18 May 2021.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 125/06/21

MOVED Cr Ruthven

SECONDED Cr Pearce

That the Unconfirmed Minutes of the Special Meeting of Council held on 18 May 2021 be confirmed.

MOTION CARRIED 7/0

5.3 Agenda Briefing held on 15 June 2021.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 126/06/21

MOVED Cr Ruthven

SECONDED Cr Madacsi

That the Notes of the Agenda Briefing held on 15 June 2021 be received.

MOTION CARRIED 7/0

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Nil.

7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

The Shire President may make an announcement in accordance with the Shire of Toodyay Standing Orders Local Law 2008 (Section 4.3) as follows:

In May, the Shire of Toodyay's commitment towards reconciliation with our Aboriginal people was realised through the launch of our first Reconciliation Action Plan at the Toodyay Recreation Centre. The bush surrounding Boyagerring Brook and farm pastures formed a symbolic setting to take this important step. A step in connecting our community with the wealth of history, tradition, and culture of the Ballardong, Yued and Whadjuk peoples whose lands form our Shire.

The annual audit under the Office of the Auditor General and Butler Settineri has commenced, following the Audit Entrance Meeting. The Council appointed Inquiry governance review consultants Hammond Woodhouse Advisory will attend the Shire to start the process in June.

Council is now midway through the Annual Budget process and workshops.

Shire President's Activities:

- Weekly President/CEO Operational Briefings.
- Farmers Market (16/5).
- Meeting Main Roads (17/5).
- Workshop, Annual Budget (18/5).
- Agenda Forum (18/5).
- Concept forum (18/5).
- Citizenship Ceremonies 10:00 & 15:00, (19/5).
- Minister's Breakfast: Hon John Carey, Perth (20/5).
- Inquiry Required Training – full day (24/5).
- Ordinary Council Meeting (25/5).
- Toodyay Herald briefing (27/5).
- Reconciliation Plan launch (31/5).
- Workshop – Delegations (31/5).
- Meeting – Shire & Tennis Club (31/5).
- Chalice onsite tour (1/6).
- Webinar – Kott Gunning, Road Agreements (2/6).
- Audit & Risk Committee (10/6).

- Articles for the Toodyay Community Newsletter, Toodyay Herald, OCM and weekly reports to council. Review and question OCM and committee agendas, review and question draft Budget documents. Research and liaise regarding roads, read OAG, departmental and audit material. Liaise with CEO, Main Roads and community members. Respond to councillor and community queries and maintain records.

9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

9.1 PLANNING AND DEVELOPMENT

No reports.

9.2 CORPORATE & COMMUNITY SERVICES

9.2.1 List of Payments – May 2021

Date of Report:	22 June 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN6
Author:	C Murcott – HR/Finance Officer
Responsible Officer:	M Werder – Acting Manager Corporate & Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. List of Payments for month ending 31 May 2021.

PURPOSE OF THE REPORT

To present the cheques and electronic payments raised during the month of May 2021.

BACKGROUND

Creditor invoices are processed as they are received and, on the 15th, and final day of every month, cheques and electronic fund transfers are raised for payments.

OFFICER COMMENT / DETAILS

Electronic Funds Transfers (EFT) are for payments transferred directly to creditor bank accounts.

Direct Debits are for direct debits against the bank account such as bank fees, leases, loans, and charges etc.

Payroll Direct Debits are for payroll and superannuation expenditures which are paid through Council's on-line (internet) banking system.

The report on payments for the month is generated directly from Datascape and contains more detail than previously included. This means that the report is longer and in months where the number of payments is significant, this could increase.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Objective 3: Ensure rigorous organisational systems.

S 3.1 Maintain long term financial and resourcing plans.

S 3.2 Operate to best practice management in all areas.

S 3.3 Ongoing review of customer service and satisfaction.

S 3.4 Embrace innovation in information and communication technologies.

Policy related:

Council has delegated authority to the Chief Executive Officer to make payments from the Municipal and Trust Accounts.

Financial:

Payments of accounts are in accordance with Council's adopted 2020/21 Budget.

Legal and Statutory:

Section 5.42 of the *Local Government Act 1995* allows the local government to delegate its powers to the Chief Executive Officer.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared.

Risk related:

There is a compliance and reputational risk should Council choose not to approve the Officer recommendation.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 127/06/21

MOVED Cr Chitty

That Council notes as being paid payments listed and presented for the month of May 2021 as follows:

1. Trust Fund Electronic Fund Transfers (EFT) \$2,934.79 and Trust Cheques payments \$0.00;
2. Municipal Fund Electronic Fund Transfers (EFT) payments amounting to \$1,130,125.68 and Municipal Fund Cheques numbered 12849 to 12855 amounting to \$61,551.41
3. Direct Debit Loans amounting to \$48,479.95 and Direct Debit Super amounting to \$39,370.18; and
4. Direct Debit Payroll totalling \$218,021.34.

MOTION CARRIED 7/0

9.2.2 Monthly Financial Statements – May 2021

Date of Report:	22 June 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN24
Author:	M Werder – Acting Manager Corporate & Community Service
Responsible Officer:	M Werder – Acting Manager Corporate & Community Service
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	<ol style="list-style-type: none"> 1. Monthly Financial Statements including Outstanding Rates Debtors and Outstanding Sundry Debtors for the month ending 31 May 2021; 2. Bank Reconciliations for the month ending 31 May 2021.

PURPOSE OF THE REPORT

To accept the Monthly Financial Statement, Outstanding Rates and Outstanding Sundry Debtors Information for the month ending 31 May 2021; and the Bank Reconciliation for the month ending 31 May 2021.

BACKGROUND

Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* states:

A statement of financial activity and the accompanying documents referred to in sub regulation (2) is to be –

- Presented at an ordinary meeting of the council within two months after the end of the month to which the statement relates; and*
- Recorded in the minutes of the meeting at which it is presented.*

These reports are prepared after all the end of month payments and receipts have been processed.

COMMENTS AND DETAILS

Attached are the Monthly Financial Statement, Outstanding Rates and Outstanding Sundry Debtors Information for the month ending 31 May 2021; and the Bank Reconciliation for the month ending 31 May 2021. Explanation of the variance between

the closing funding surplus (YTD Budget v YTD Actual) is included in Note 3 of the financial report.

A commitment was made at the Ordinary Council Meeting held on 27 April 2021 to progress the improvement in the Monthly Financial Statements. Work on the actual statements has been undertaken to ensure that they are accurate and balanced within themselves. Reconciliations with the notes is ongoing. A query from a Councillor has been sent to Officers to check and we have arranged for the Shire's Auditor to look at our workings and to offer their opinion on the past treatment of the topic. We are involving the Auditors in addressing any queries to get a consensus on the accounting treatments. We can discuss other queries from Councillors to seek an agreement on the items.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Objective 3: Ensure rigorous organisational systems

S 3.1 Maintain long term financial and resourcing plans.

S 3.2 Operate to best practice management in all areas.

S 3.3 Ongoing review of customer service and satisfaction.

S 3.4 Embrace innovation in information and communication technologies.

Policy related:

F.02 Authorised Signatories

F.03 Purchasing

F.11 Corporate Credit Cards

F.16 Financial Governance

CS1 Payments from the municipal or trust fund (referred to in Section 6.10 "Financial management regulations" of the Local Government Act 1995)

Financial:

Budget variances are reported and explained in the attached financial statements.

Legal and Statutory:

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* sets out the form and content of the financial reports.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires a statement of Financial Activity to be prepared each month which is to contain the following details:

- a) Annual budget estimates;
- b) Budget estimates to the end of the month;
- c) Actual amount of expenditure and revenue;
- d) Material variances between comparable amounts in b) and c) and above; and
- e) The net current assets at the end of the month to which the statements relates i.e.: surplus/deficit position.

The Statement is to be accompanied by:

- a) Explanation of the composition of net current assets, less committed assets and restricted assets;
- b) Explanation of the material variances; and
- c) Such other information considered relevant by the local government.

Risk related:

There is a compliance risk in relation to this report as it is a requirement of the *Local Government (Financial Management) Regulations 1996* that local governments prepare a Statement of Financial Activity within two months after the end of the reporting period. This report mitigates the risk of non-compliance with the regulations.

Workforce related:

Officer resources continue to be focused on the transition of the Shire's enterprise software.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 128/06/21

MOVED Cr Pearce

That Council accepts the Monthly Financial Statement, Outstanding Rates and Outstanding Sundry Debtors Information for the month ending 31 May 2021; and the Bank Reconciliation for the month ending 31 May 2021.

MOTION CARRIED 7/0

9.3 EXECUTIVE SERVICES

9.3.1 Strategic Community Plan 2021-2031

Date of Report:	6 April 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC1
Author:	M Lamb – Compliance and Communications Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Draft Strategic Community Plan 2021-2031

PURPOSE OF REPORT

To consider the adoption of the draft Strategic Community Plan 2021 – 2031 for public feedback.

BACKGROUND

The Strategic Community Plan 2021-2031 (SCP) is Council's key strategy and planning document and forms the basis of the Integrated Planning and Reporting Framework providing the foundation to develop other strategic documents.

The Strategic Community Plan is a strategy and planning document that has been developed to reflect Toodyay's community vision, strategic direction, and priorities for action over the next 10 years. It clearly links Council's vision and long-term strategy with community's aspirations.

As part of the Integrated Planning and Reporting (IPR) Framework, the Shire is required to prepare a number of documents to facilitate sustainable, long term and strategic management of the services the Shire provides. One of the critical components of the Integrated Planning and Reporting is the Community Strategic Plan.

The IPR Framework and Guidelines issued by the Department of Local Government, Sport and Cultural Industries states:

"IPR enables community members and stakeholders to participate in shaping the future of the community and in identifying issues and solutions. This is not restricted by the Council's direct service delivery responsibilities. A community's aspirations are expressed as a vision, outcomes (or similar) and priorities."

The Community Strategic Plan doesn't make local government accountable for high level community visions or outcomes. Rather, the Community Strategic Plan needs to include clear definition of the Council's strategic priorities, intentions for asset stewardship and service delivery, and resourcing implications over the coming decade – clearly linked to the community's aspirations. The Community Strategic Plan can also encompass the contributions of others and provide inspiration and guidance for alignment of all relevant stakeholders in favour of the community's aspirations."

Core components of the IPR Framework are:

- *Community Strategic Plan* - Community vision, strategic direction, long and medium-term priorities and resourcing implications with a horizon of 10 years,
- *Corporate Business Plan* - Four-year delivery program, aligned to the Community Strategic Plan, and accompanied by four-year financial projections,
- *Informing Strategies* -
 - Long Term Financial Plan - long term financial position;
 - Asset Management Plans - approach to managing assets to deliver chosen service levels;
 - Workforce Plan - shaping the Shire's workforce to deliver organisational objectives now and into the future;
 - Issue or Area Specific Plans - any other informing plans or strategies (e.g. ICT, recreation plan, youth plan, local area plan, etc.).
- Annual Budget - Financial statements for one year.

A draft Strategic Community Plan was presented to Council in May 2021. Following several queries, Officers have re-worked the Plan which is now presented for Council's consideration.

COMMENTS AND DETAILS

A comprehensive community engagement process was undertaken and is outlined in detail under "Consultative Implications".

Outcomes from the community engagement identified not only what the community felt required improvement, but also what the community loves about Toodyay.

Through the community engagement, five issue-based, emerging themes were identified from which improvements in the quality of life of our community may be driven, namely:

- Social development – *"our community, our wellbeing and who we are"*.
- The Built Environment – *"the natural environment in which we live"*.
- Economic Development – *"business and jobs in the community"*.
- Governance - *"the way the Shire operates"*.
- Environment – *"The natural environment in which we live"*.

Under each theme an overall objective has been developed with strategies required to accomplish the stated objectives and how the success of the strategies will be measured.

In measuring the success of the Strategic Community Plan, the following indicators were suggested by the community for consideration:

- Increased productivity.
- Community contentment, wellbeing, and happiness.
- Our ability to reduce bushfire risks.
- Population growth.
- Number of registered businesses and the number of new houses built.
- Number of local jobs advertised and/or created.
- Response time to customer queries.
- Tree cover in shire.
- Better management of finance and Budget vs actual – reasons for variations
- Evidence of community input into council decisions.
- Community satisfaction.
- Number of community events and increase in tourism.

The Draft Strategic Community Plan is attached at Attachment 1 to this report. Officers recommend that the draft is distributed for community feedback prior to final adoption.

IMPLICATIONS TO CONSIDER

Consultative:

As part of the integrated planning process local governments are required to consult with their communities to develop a long-term vision, examine the demographic, social, environmental, and economic trends shaping the future of their area and align their activities and resources to address the community's aspirations expressed in this vision. Measurement, assessment, and reporting are also logically part of the Framework, enabling continuous improvement and ultimately supporting progress towards the community's vision and objectives.

The Shire achieved an advanced standard level based on the Department's Integrated Planning and Reporting Framework and Guidelines (2016). The Framework and Guidelines were introduced in Western Australia (WA) as part of the State Government's Local Government Reform Program.

In order to review the Strategic Community Plan, the views of as many members of the community as possible were sought through an engagement process that included:

- Staff information and response sessions held in the Memorial Hall;

- Public and community engagement at the February Toodyay Markets;
- Online and paper-based surveys mailed out to 3,498 residents;
- Promotion and distribution through the Shire's website and Facebook pages;
- Promotion through radio interviews – Triple M Wheatbelt;
- Promotion and survey distribution through the Shire's February edition of the Community Newsletter;
- Promotion and survey distribution through the Visitor Centre and Library;
- Face to face meetings with specific focus groups; and
- Feedback from Councillor sessions.

354 people (just over 10% of the rate-base) and 14 community and stakeholder groups provided their views on a wide range of subjects, plus further feedback and profiles through other Shire events, publications and processes.

Strategic:

The Community Strategic Plan 2021-2031 will:

- form the foundation strategic document for the Shire of Toodyay that articulates community long-term vision, values, and aspirations.
- establish the community's vision for the Shire's future, its aspirations and service expectations.
- drive the development of other informing strategies such as workforce, asset management, operations and service plans and supporting strategies.

Policy related:

Nil.

Financial:

Formal adoption of the Strategic Community Plan 2021-2031 will be the basis from which the Corporate Business Plan and ongoing Long Term Financial Plan will be developed, and from which the annual budget will be derived.

The Draft Community Strategic Plan 2021-2031 will be considered during the development of the Long-Term Financial Plan and FY2021/22 Annual Budget.

Legal and Statutory:

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*

- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

Risk related:

In line with Regulation 19C (4) of the *Local Government Administration Regulations 1996*, the Shire is required to review its Community Strategic Plan at least once every 4 years. There is a risk of non-compliance if the Shire does not review and adopt its Community Strategic Plan by 30 June 2021.

Workforce related:

Once adopted, staff time spent on this task/s will be considerably less however, the set of informing documents are continually reviewed and referenced for reporting and planning purposes.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Adopts the draft Community Strategic Plan 2021-2031 as attached for public consultation for a period of four weeks.
2. Requests the CEO to provide a report to Council once the consultation period for the Strategic Community Plan has taken place.

Cr Ruthven moved an amended motion as follows:

That Council:

1. **Adopts the draft Strategic Community Plan 2021-2031 as attached for public consultation for a period of four weeks.**
2. **Requests the CEO to provide a report to Council once the consultation period for the Strategic Community Plan has taken place.**

Cr Hart seconded the motion.

Clarification was sought.

Cr Chitty foreshadowed a motion as follows:

That the matter of adopting the draft Strategic Community Plan 2021-2031 be deferred.

Debate commenced.

The motion was put.

OFFICER'S RECOMMENDATION (AMENDED)/COUNCIL RESOLUTION NO. 129/06/21

MOVED Cr Ruthven

SECONDED Cr Hart

That Council:

1. Adopts the draft Strategic Community Plan 2021-2031 as attached for public consultation for a period of four weeks.
2. Requests the CEO to provide a report to Council once the consultation period for the Strategic Community Plan has taken place.

MOTION LOST 0/7

The Officer's Recommendation was lost due to the fact that a motion had been foreshadowed to defer the matter in order to have time to include relevant financial information in the draft Strategic Community Plan to better serve the community.

Cr Chitty moved a motion as follows:

That the matter of adopting the draft Strategic Community Plan 2021-2031 be deferred until the August 2021 Ordinary Council Meeting.

Cr Rayner moved an amendment to the motion as follows:

That the day of the meeting in August be included.

Cr Chitty accepted the amendment.

Cr Rayner seconded the motion.

Debate commenced.

The motion was put.

MOTION/COUNCIL RESOLUTION NO. 130/06/21

Moved Cr Chitty

Seconded Cr Rayner

That the matter of adopting the draft Strategic Community Plan 2021-2031 be deferred until the 24 August 2021 Ordinary Council Meeting.

MOTION CARRIED 7/0

9.3.2 Register of Delegations – Review 2021

Date of Report:	2 March 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN6
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	June 2020
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Schedule of Amendments; and 2. AMENDED Register of Delegations.

PURPOSE OF THE REPORT

To consider the review of the Register of Delegations for the calendar year 2021.

BACKGROUND

The Department of Local Government and Communities published local government operational guidelines (Number 17 – Jan 2007) in relation to “Delegations” which states that the provisions of the *Local Government Act 1995* which provide for delegations by a local government or its CEO are as follows:

- Section 5.16(1), states: *‘Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation.’*
- Section 5.42(1), states: *‘A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.’*
- Section 5.44(1), states: *‘A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than this power of delegation.’*

Legislation provides the Head of Power that enables local governments to firstly exist and then to act and serve their communities. Legislation contains two elements that create the ability for local governments to act:

1. Express Powers and Duties; and
2. Power vested in a Decision-maker.

Whilst legislation will include an Express Power or Duty that is vested in a Decision-maker it may (or may not) be capable of being delegated.

Express Power or Duty means a power or duty written specifically within legislation. It does not include actions or decisions that occur operationally, arising from policy, procedure, implementing council decisions or any other matter that is not described in legislation.

Legislation may use the terms:

- “Council” or
- “Local Government by resolution” or
- “Local Government by decision”
- This means the Express Power or Duty can only be undertaken by the Council of the Local Government and cannot be delegated.

COMMENTS AND DETAILS

The Delegation Register requires review due to amendments that were made to the *Local Government Act 1995* and other subsidiary legislation in November 2020.

Although the “review date” in many delegations states the review date as being February 2021, that date refers to the date the Officer looked at each delegation during the review. Once Council adopts the register as a whole the review date will become the date of the Ordinary Council Meeting.

References in the current delegation register refer to Section 9.10(2) of the *Local Government Act 1995* (May 2020) which states as follows:

The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

The amendment made to the *Local Government Act 1995* reads as follows:

The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws.

The above is an example of a statutory power being delegated directly to the CEO of the local government.

Three instruments of delegation within the Delegation Register mentioned Section 9.10 of the *Local Government Act 1995*. These are as follows:

- ES2 *Local Government Act 1995* and the *Local Government (Miscellaneous Provisions) Act 1960*;
- ES12 Notices Requiring Certain Things To Be Done By Owner Or Occupier Of Land; and
- PD8 Caravan Park And Camping Grounds.

The current Delegation Register is available on the Shire's website at this link: https://www.toodyay.wa.gov.au/Profiles/toodyay/Assets/ClientData/Documents/Council_Registers/Delegation-Register.pdf

The term "authorised person" is worded in different terms depending on what the legislation is. For the most part the authorised person will be authorised by the local government (Council) to perform duties or exercise powers of the local government either generally, or as a permit authority or as a public authority, etc.

Instruments of delegation are about discretion. An Authorised person may make a decision about something within the framework of the delegation, as the local government had authorised them to use their discretion through an instrument of delegation.

The following information is contained in Attachment 1:

- Amendments made to the Register of Delegations pre-Council Workshop.
- Queries prior to the Workshop;
- Amendments made to the Register of Delegations post workshop.

The word 'delegation' means to grant authority by one party (i.e. the delegator meaning Council) to another (delegate – meaning the CEO or another employee) for an agreed purpose that will be specified in the instrument of delegation.

IMPLICATIONS TO CONSIDER

Consultative:

The review of the Register of Delegations commenced with an administrative review that started in January 2021.

Officers analysed the legislation to identify opportunities for delegation as well as cross-referencing current delegations. Operational requirements, the volume of decisions under each statutory power or duty and the risks and sensitivities of the decisions were considered.

The current and revised edition of the Register of Delegations was made available to Council electronically on 3 May 2021 via the Councillor Hub.

Following questions and queries at the May 2021 Agenda Forum, the item was withdrawn from the May OCM agenda pending a Council workshop being held.

On 31 May 2021, a Council workshop was held attended by five Councillors.

Strategic:

A key point of the Shire's Strategic Community Plan – Toodyay 2028 (SCP) is Governance – the way the Shire leads and operates.

The strategic outcome is that Council will engage with the community and provide good governance on behalf of the Community.

Policy related:

The delegation register may have policy implications and those policies that are affected by a delegation are included in each instrument of delegation. Any change to a policy is undertaken by a separate review process.

Financial:

Nil

Legal and Statutory:

Local Government Act 1995

5.46. Register of, and records relevant to, delegations to CEO and employees.

- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

9.10. Appointment of authorised persons

- (1) *In this section —*

law means any of the following —

- (a) *this Act;*
- (b) *the Caravan Parks and Camping Grounds Act 1995;*
- (c) *the Cat Act 2011;*
- (d) *the Cemeteries Act 1986;*
- (e) *the Control of Vehicles (Off-road Areas) Act 1978;*
- (f) *the Dog Act 1976;*
- (g) *subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);*
- (h) *a written law prescribed for the purposes of this section;*

specified means ***specified in the instrument of appointment.***

- (2) *The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws.*

Local Government (Administration) Regulations 1996

18G. Delegations to CEOs, limits on (Act s. 5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- (a) *section 7.12A(2), (3)(a) or (4); and*
- (b) *regulations 18C and 18D.*

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and*
- (b) when the person exercised the power or discharged the duty; and*
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.*

Department of Local Government, Sport and Cultural Industries – Operational Guidelines

Item 19 “Determining what should be delegated”.

“A decision to delegate a power or duty should be made by local governments only after thorough consideration of whether the delegation will facilitate the effective operation of the local government. This will therefore depend on the particular circumstances of each local government.

A local government council is unable to deal with all of the numerous issues and duties concerning its local government. As far as is possible and reasonable, councils should be predominantly concerned with dealing with higher level policy matters for their local governments.

Duties and powers which are operational in nature but exercise a discretion should be delegated to the CEO.

Powers and duties can be delegated to CEOs with comprehensive conditions attached. The conditions limit the exercise of powers or discharge of duties to circumstances prescribed by the council. For example, a permit application which does not satisfy the conditions attached to a delegation, must be referred to the council for determination.”

Item 20 “Procedure for Delegations by Council”

“The essential elements of a delegation recommendation are:

- (a) correct and accurate identification of the power or duty to be delegated;*
- (b) correct and accurate identification of the person or office to whom or which the power or duty is to be delegated;*
- (c) correct and accurate definition of the circumstances (if any) in which the power or duty can be exercised or discharged; and*
- (d) Conditions on the exercise of the power or discharge of the duty.*

It is important to note that all delegations by council require an absolute majority decision. Once a delegation has been made by council, the delegation must be recorded in the delegation register.

Risk related:

The Register of Delegations is a document that must be reviewed by the CEO and adopted by Council by absolute majority each financial year. Failure to do so presents a compliance risk.

Workforce related:

Officers spent three months reviewing the Register of Delegations.

A further review was undertaken by the Senior Management Group to ensure that the delegations contained in the:

- Community & Corporate Services;
- Assets and Services;
- Building and Health; and the
- Planning and Development

sections of the Register of Delegations will effectively assist those Officers to carry out the responsibilities of those departmental areas efficiently.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 131/06/21

MOVED Cr Pearce

That Council:

1. Notes the summary of amendments made to the Register of Delegations, as outlined in Attachment 1 to this report;
2. Adopts the instruments of delegation contained in the Executive Services section of the REVISED Register of Delegations, as attached;
3. Adopts instruments of delegation contained in the Corporate and Community Services section of the REVISED Register of Delegations, as attached;
4. Endorses instruments of delegation contained in the Building and Health Services section of the Register of Delegations, as attached;
5. Endorses instruments of delegation contained in the Assets and Technical Services section of the Register of Delegations;
6. Endorses instruments of delegation contained in the Planning and Development Services section of the Register of Delegations;
7. Notes instruments of delegation contained in the External Agencies – Assignment of Power to Statutory Officeholders section of the Register of Delegations as attached.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

9.3.3 Policy for appointment of Acting CEO

Date of Report:	9 June 2020
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN6
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. DRAFT Council Policy – Appointment of Acting CEO.

PURPOSE OF THE REPORT

To consider adoption of a Council policy that outlines the arrangements to temporarily replace a CEO for periods of annual and/or long-service leave.

BACKGROUND

Council made an absolute majority decision at an Ordinary Council Meeting on 23 February 2016 (Res No. 22/02/16) as follows:

That Council delegate to the Chief Executive Officer the power under section 5.36(1) of the Local Government Act 1995 to appoint an employee of the Shire of Toodyay to be the Acting Chief Executive Officer for a period of absence of the Chief Executive Officer of not greater than 20 working days, subject to Council being notified in writing of the appointment in accordance with Delegation ES15 Appointment of an Acting CEO as amended.

At a Council workshop in relation to the Delegations Register, it was queried whether the delegation was still valid as is. Advice was sought from the Department of Local Government, Sport and Cultural Industries.

Advice received from the LG Hotline was as follows:

While it's not unusual for a Council to provide for a CEO to decide who acts as CEO in their temporary absence, the appropriate way to do it is to adopt a policy, as per s5.39C, which can provide for the CEO to appoint an Acting CEO, if that's what the Council wants. In some larger local governments, the policy rotates the Acting role between Directors.

The delegation may have been acceptable if it didn't quote s5.36 as the legislative authority, but Council is required to have a policy, so the delegation can be removed.

COMMENTS AND DETAILS

Advice on the Department's website in respect to such a policy suggests that it may include employee position titles, specifying that the Council considers a person holding these positions to be suitably qualified and experienced for the position of CEO. The policy includes the methodology for the CEO to appoint an Acting CEO from the listed positions for a period of absence of up to three months.

IMPLICATIONS TO CONSIDER

Consultative:

The Department was consulted as stated in the Background of this report.

Examples of similar policies were downloaded from the Town of Cottesloe, the Cities of Cockburn, and Gosnells, as well as the Shires of Mundaring and Bassendean.

Strategic:

A key point in the Strategic Community Plan is Governance: the way the Shire leads and operates.

Policy related:

The policy is being presented to Council as an option so that continuation of service of the CEO can be provided to the community even in periods of annual leave or absence of the CEO.

Financial:

Nil.

Legal and Statutory:

5.36. Local government employees

- (1) *A local government is to employ —*
 - (a) *a person to be the CEO of the local government; and*
 - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (2) *A person is not to be employed in the position of CEO unless the council —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied* with the provisions of the proposed employment contract.*

** Absolute majority required.*

- (3) *A person is not to be employed by a local government in any other position unless the CEO —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied with the proposed arrangements relating to the person's employment.*
- (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

5.39C. Policy for temporary employment or appointment of CEO

- (1) *A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —*
 - (a) *the employment of a person in the position of CEO for a term not exceeding 1 year;*
 - (b) *the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

** Absolute majority required.*

- (2) *A local government may amend* the policy.*

** Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

5.44. CEO may delegate powers and duties to other employees.

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
- (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
- (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,*
- are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*
- conditions*** *includes qualifications, limitations or exceptions.*

Risk related:

The period of cover provided in the policy is set at two months, which is higher than what the delegation register had initially set the period at.

There are high risks associated with long periods of absence by the Chief Executive Officer and the management of that through policy by using an existing Officer who has their own portfolio of tasks to manage being expected to step into the role of the Chief Executive Officer for periods of up to two months.

However, with proper strategic planning and advanced notice these risks can be mitigated.

Further, the training up of individuals within the departments involved may aid in the mitigation of those risks as well, providing for continuity across the different management spectrums.

Workforce related:

The period in the policy has been drafted as two months. As above, if given enough notice risks can be mitigated even though resources are currently limited.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 132/06/21

MOVED Cr Hart

That Council adopts the DRAFT Policy titled Appointment of Acting or Temporary Chief Executive Officer, as attached.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

9.3.4 Disposal of Property via Public Auction - Various

Date of Report:	9 June 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	BLD6
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	OCM 24 November 2015 Item 9.2.4 OCM 26 July 2016 Item 9.2.6
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Confidential Attachments:	1. Property Listing.

PURPOSE OF THE REPORT

To present recommendations regarding the disposal of property surplus to the Shire's requirements for Council's consideration.

BACKGROUND

At the November 2015 Ordinary Council Meeting, Council considered a report regarding Shire owned Land and Assets and resolved by absolute majority (Council Resolution No. 243/11/15) the following:

That Council:

1. *Receive the Land Asset Report including the recommendations therein dated 18 November 2015.*
2. *Resolve in relation to with the following assets that require specific actions as follows:*
 - (a) *ASSET NO. 718 – LOT 50 TOODYAY WEST ROAD, TOODYAY*
That this lot be disposed and the proceeds be put into the Recreation Development Reserve.
 - (b) *ASSET NO. 719 – LOT 1 RED GULLY ROAD, NUNILE*
Once this site is determined no longer useful as a gravel pit it be rehabilitated and disposed of to realise its asset value.
 - (c) *ASSET NO. 747 & 748 – Lot Pt 177 & 176, 42 HAMERSLEY ST and LOT 501 DUKE ST, TOODYAY*

Investigate the amalgamation of these lots with a view to their disposal.

(d) *ASSET NO. 763 – LOT 410 FERGUSON ROAD, COONDLE*

Dispose of this site by offering it to the owners of lot 588 Ferguson Road on the basis it be amalgamated into their lot excluding the Land earmarked for the NBN Tower. If an agreement can't be reached retain and maintain as a reserve.

(e) *ASSET NO. L002 – 23 TOODYAY WEST ROAD, TOODYAY*

Dispose of this land asset at market price.

(f) *ASSET NO. L003 – 16 TOODYAY WEST ROAD, TOODYA*

Remove this asset from the asset register because it will have been disposed of by the time of the meeting.

At the same meeting Council considered a report regarding Building Assets and resolved by absolute majority (Council Resolution No. 244/11/15) the following:

That Council, in relation to its building assets with a current specific Shire function or use and Buildings with a commercial Purpose:

- A. Accept the administrations report as detailed in attachment 1 and;*
- B. Resolve to implement the following specific strategies that involve a change from the status quo:*

- 1. Asset No.715 – Lot 3001 Duke St Toodyay (Arts Toodyay)*
 - (a) That the building on this lot is disposed of by sale or relocation to another site to free up this site to become a vacant lot; and*
 - (b) That a detailed report on the future uses of this lot for sale or retention be produced.*
- 2. Asset No.795 – 19A & B Clinton Street (Duplex)*
 - (a) Retain and continue to maintain/preserve this building; and*
 - (b) That a detailed report be prepared and considered by Council on the long-term use of this building.*
- 3. Asset No.739 - 11 Toodyay St (Donegan's Cottage)*
 - (a) A costing on the additional conservation works required to maintain this be determined and brought back to Council for consideration.*
- 4. Asset No.709 – 34 Second Road (Syred's Cottage)*
 - (a) A separate discussion paper be presented to Council on this building presenting reuse and disposal options.*
- 5. Asset No.030 – 33-35 Telegraph Rd (Private Rental)*

- (a) *That Council determine this property has no significance strategically and can be sold with the proceeds being allocated to the Recreation Development Reserve; and*
 - (b) *That a valuation be obtained on the value of the sale of this property as a whole or two properties and the property be disposed of at the best option.*
6. *Asset No.L001 - 15-17 Clinton Street (Police Lockup)*
- (a) *Retain and continue to maintain/preserve this building for the foreseeable future; and*
 - (b) *A separate forum paper be prepared to discuss the future uses and their timings in relation to utilising this building more fully.*
7. *Asset No.776 - Racecourse Road, (Toodyay Racecourse) Attachment 2*
- (a) *That the whole Racecourse facility be subject to a separate report including:*
 - i. *Opportunity for a detailed site inspection by elected members;*
 - ii. *Engagement with the Toodyay Race Club Committee including discussion on the possibility of additional uses for this complex; and*
 - iii. *The development of a detailed master plan to set out preferred options for the repair, replacement, refurbishment or removal of each of the buildings.*

Further work is required to determine the progress of all properties listed in the above resolutions. This report provides an update on selected properties and a proposal to dispose of several Shire-owned properties via public auction.

Additional reports will be presented to Council as investigations progress.

COMMENTS AND DETAILS

The following properties have been investigated and are the subject of this report.

Address	Zoning	Area	Description	Recommendation
1 Duke St Toodyay	Residential	390sq m	Small land parcel in Duke St adjacent to 42 & 44 Hamersley St	Dispose via public auction
6 Duke St Toodyay	Residential	1412s qm	Council resolution to dispose of house first then sell vacant land	Dispose via public auction

Address	Zoning	Area	Description	Recommendation
15 Wilson St Toodyay	Residential	713sq m	Land - behind 22 Telegraph Rd	Dispose via public auction
17 Wilson St Toodyay	Residential	713sq m	Land - behind 22 Telegraph Rd	Dispose via public auction
19a/b Clinton St Toodyay	Residential	1,213 sqm	Duplex	Retain
26 Hamersley St Toodyay	Residential	1,003 sqm	Land backing onto railway line	Dispose via public auction
28 Hamersley St Toodyay	Residential	878sq m	Land backing onto railway line	Dispose via public auction
30 Hamersley St Toodyay	Residential	980sq m	Land backing onto railway line	Dispose via public auction
32 Hamersley St Toodyay	Residential	997sq m	Land backing onto railway line	Dispose via public auction
42 Hamersley St Toodyay	Residential	66sq m	Small land parcel adjacent to 1 Duke St	Dispose via public auction
44 Hamersley St Toodyay	Residential	87sq m	Small land parcel adjacent to 1 Duke St	Dispose via public auction
22 Telegraph Rd Toodyay	No Zoning	2.001 0Ha	Land - used as overflow parking for Ag Show	Retain
33 & 35 Telegraph Rd Toodyay	Residential	3,908 sqm	House and Shed - 33 & 35 Telegraph Rd. Sub-division plans abandoned due to cost.	Dispose via public auction
40 Telegraph Rd Toodyay	Residential	700sq m	Land	Retain – drainage basin
59 Telegraph Rd Toodyay	Residential	1,833 sqm	Land - next to cemetery	Dispose via public auction
23 Toodyay Rd Toodyay	Residential	N/A	Property sold in 2018	N/A

Officers are proposing that several properties are put up for sale via public auction in accordance with s3.58(2)(a) of the *Local Government Act 1995*. However, it is proposed that these are auctioned in stage so as to allow time to market the properties appropriately and to avoid flooding the market.

As the only local auctioneer, Tony Maddox has provided a strategy for the three properties that Council had already resolved to dispose of (Attachment 1). Officers have since identified further properties as outlined above that could be sold and are seeking Council's approval to progress with the sale of these properties via

subsequent public auction(s). The first auction is proposed to be held on the second weekend of August.

Officers are recommending retention of three of the properties listed above:

- Duplex at 19 Clinton Street – retain based on the shortage of accommodation and rentals in town at present and on the advice of the real estate agent. A Shire officer currently rents one half of the duplex and the other is occupied by the Acting Manager Corporate and Community Services. Council could choose to dispose of this property.
- Land at 22 Telegraph Rd – vacant land that is terraced and used for overflow parking for the Agricultural Show. It is proposed that discussion take place with the Agricultural Society regarding alternative options before disposing of this land parcel.
- Land at 40 Telegraph Rd – this is a drainage basin that forms part of the drainage network for the area.

The following properties contained in the previous Council resolutions are yet to be investigated and a report brought back to Council.

- *Asset No. 718 – Lot 50 Toodyay West Road, Toodyay*
- *Asset No. 719 – Lot 1 Red Gully Road, Nunile*
- *Asset No. 763 – Lot 410 Ferguson Road, Coondle*
- *Asset No.739 - 11 Toodyay St (Donegan's Cottage)*
- *Asset No.709 – 34 Second Road (Syred's Cottage)*
- *Asset No. L001 - 15-17 Clinton Street (Police Lockup)*
- *Asset No.776 - Racecourse Road, (Toodyay Racecourse)*

Officers will investigate and prepare a future report regarding further properties owned by the Shire of Toodyay including:

- 98 Stirling Terrace (Vet).
- 108 Stirling Terrace (Bendigo Bank).
- 5 Piesse Street (Connor's Cottage).
- Various properties including rural, rural residential and industrial zoned land parcels.

Officers have also been updating the Shire's Building Asset Management Plans. If the Shire is to maintain and undertake minimum capital upgrades to all its building assets, an amount upwards of \$450,000 per annum will be required to be allocated over the next ten years. As part of the 2021/22 budget process, Officers will be recommending further rationalisation of buildings to assist in long term cost reductions and sustainability.

IMPLICATIONS TO CONSIDER

Consultative:

Tony Maddox Real Estate.

Strategic:

Governance: The way the Shire leads and operates

Objective 1 Provide accountable and transparent leadership for the community.

Policy related:

F.12 Disposal of Property Policy.

Financial:

While there is a distinct possibility that not all properties will be sold, it is anticipated that some properties will be successfully auctioned and proceeds realised. It is proposed that the proceeds of any sales are transferred to the Asset Development Reserve for the purpose of maintaining and upgrading Shire assets.

There is no recognition in the current budget of any proceeds from sale of land and building assets.

Legal and Statutory:

Local Government Act 1995

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

Risk related:

While anecdotal evidence suggests that the Toodyay market has become buoyant as a result of the COVID-19 pandemic, there is a risk that the market could be flooded should the Shire auction all of these properties at once. It is therefore recommended that, should Council approve their sale, the properties are auctioned in several stages.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Approves the following Shire-owned properties to be sold via public auction in accordance with s3.58(2)(a) of the *Local Government Act 1995*:
 - 1 Duke St Toodyay;
 - 6 Duke St Toodyay;
 - 15 Wilson St Toodyay;
 - 17 Wilson St Toodyay;
 - 26 Hamersley St Toodyay;
 - 28 Hamersley St Toodyay;
 - 30 Hamersley St Toodyay;
 - 32 Hamersley St Toodyay;
 - 42 Hamersley St Toodyay;
 - 44 Hamersley St Toodyay;
 - 33 & 35 Telegraph Rd Toodyay;
 - 59 Telegraph Rd Toodyay.
2. Authorises the Chief Executive Officer to engage and work with the auctioneer to:
 - (a) Set the reserve price for each property based on market value.
 - (b) Set the date and marketing for each proposed auction.
3. Resolves that any proceeds from the sale of the above properties will be transferred to the Asset Development Reserve for the purpose of maintaining and upgrading Shire assets.

Cr Rayner moved the Officer's Recommendation as follows:

That Council:

1. **Approves the following Shire-owned properties to be sold via public auction in accordance with s3.58(2)(a) of the *Local Government Act 1995*:**
 - **1 Duke St Toodyay;**
 - **6 Duke St Toodyay;**
 - **15 Wilson St Toodyay;**
 - **17 Wilson St Toodyay;**

- 26 Hamersley St Toodyay;
 - 28 Hamersley St Toodyay;
 - 30 Hamersley St Toodyay;
 - 32 Hamersley St Toodyay;
 - 42 Hamersley St Toodyay;
 - 44 Hamersley St Toodyay;
 - 33 & 35 Telegraph Rd Toodyay;
 - 59 Telegraph Rd Toodyay.
2. Authorises the Chief Executive Officer to engage and work with the auctioneer to:
- (a) Set the reserve price for each property based on market value.
 - (b) Set the date and marketing for each proposed auction.
3. Resolves that any proceeds from the sale of the above properties will be transferred to the Asset Development Reserve for the purpose of maintaining and upgrading Shire assets.

Clarification was sought.

Cr Ruthven moved an amendment to the Officer's Recommendation as follows:

That a Point 4 be included to read as follows:

4. Requests the CEO to provide a report to Council within twelve months on the progress of this and previous resolutions regarding the property disposals.

Cr Rayner accepted the amendment.

Cr Rayner moved an amendment to the substantive motion as follows:

That at Point 4, the words "243/11/15 and 244/11/15" be inserted after the word "resolutions."

Cr Ruthven seconded the motion.

Debate commenced.

The substantive motion was put.

OFFICER RECOMMENDATION/COUNCIL RESOLUTION NO. 133/06/21

MOVED Cr Rayner

SECONDED Cr Ruthven

That Council:

1. Approves the following Shire-owned properties to be sold via public auction in accordance with s3.58(2)(a) of the *Local Government Act 1995*:

- 1 Duke St Toodyay;
 - 6 Duke St Toodyay;
 - 15 Wilson St Toodyay;
 - 17 Wilson St Toodyay;
 - 26 Hamersley St Toodyay;
 - 28 Hamersley St Toodyay;
 - 30 Hamersley St Toodyay;
 - 32 Hamersley St Toodyay;
 - 42 Hamersley St Toodyay;
 - 44 Hamersley St Toodyay;
 - 33 & 35 Telegraph Rd Toodyay;
 - 59 Telegraph Rd Toodyay.
2. Authorises the Chief Executive Officer to engage and work with the auctioneer to:
 - (a) Set the reserve price for each property based on market value.
 - (b) Set the date and marketing for each proposed auction.
 3. Resolves that any proceeds from the sale of the above properties will be transferred to the Asset Development Reserve for the purpose of maintaining and upgrading Shire assets.
 4. Requests the CEO to provide a report to Council within twelve months on the progress of this and previous resolutions 243/11/15 and 244/11/15 regarding the property disposals.

MOTION CARRIED 7/0

9.4 ASSETS AND SERVICES

9.4.1 Request to increase Recycling Processing Fees

Date of Report:	9 June 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	ICR74683/OLM51417
Author:	J Augustin – Manager Assets and Services
Responsible Officer:	S Haslehurst – Chief Executive Manager
Previously Before Council:	N/A
Disclosure of Interest:	N/A
Council's Role in the matter:	Executive
Attachments:	1. Correspondence from Avon Waste, dated 18 February 2021

PURPOSE OF THE REPORT

The Shire's waste contractor, Avon Waste Pty Ltd has recently entered into a new contract with the Southern Metropolitan Region of Councils (SMRC) to process all the recyclable material collected from various shires. This contract sees a significant increase in recycling processing fees. This report recommends that Council acknowledges there will be an increase in cost to the Shire of Toodyay for recycling processing and this will in turn result in an increased annual fee charged to the ratepayers and other service users within the Shire of Toodyay.

BACKGROUND

Over the past few years, there have been significant events that have affected the waste processing rates that are out of Avon Waste's hands and recyclable processing companies.

The China "National Sword" legislation which was introduced in January 2018 triggered a situation where Australia's largest purchaser of recyclable products virtually stopped accepting Australian recyclable waste overnight due to contamination and market conditions.

This marketplace previously imported around half of the world's recyclable waste. Without this market, Perth Material Recovery Facilities (MRF) operators struggled to deposit their waste product and when it was able to be sold, it was sold at considerably

lower rates. As a result of this, the processing gate fees for recyclable waste increased as MRFs faced challenges to remain financially viable.

In early 2019, there were three processing facilities capable of processing collected materials in Perth.

The other significant event was the loss of the Cleanaway site twelve months ago. This event obliterated Perth's largest and newest MRF, leaving third party collection companies such as Avon Waste with the limited options to choose from between SMRC and SUEZ to deposit their recycling products. With the Cleanaway facility destroyed and the other two remaining facilities operating at full capacity it has resulted in gate fees rising to new levels.

COMMENTS AND DETAILS

Currently, the Shire of Toodyay pays \$71.50 per tonne including GST to have collected recyclables processed.

Avon Waste Pty Ltd has been forced to sign a three-year contract with the SMRC that has an initial processing gate fee of \$154 per tonne including GST. This amount has recently been reduced to \$147.39 including GST due to favorable market conditions and is subject to adjustments as sales contracts are negotiated with the Material Recovery Facility (MRF) quarterly.

This increase in rates is aimed to be offset by income derived from the Container Deposit Scheme (CDS) legislation. This legislation will see a cost share arrangement between local governments and the MRF operators. This income will help offset the cost of recycling programs within local Governments and hopefully see a reduction in the MRF processing rate. Whilst facts and figures have been based on likely presentation rates, the real effects of this legislation will not be known until a full year of collection and processing is complete. Agreements will be made with all local governments that send recycling to Perth, so a formal cost share agreement is signed. Avon Waste Pty Ltd is a third-party collector and will not benefit from the Container Deposit Scheme legislation. The income derived from this scheme is shared evenly between the Local Government and the MRF operator.

A likely income back to the local government is circa \$41 per tonne (based on current modelling). The monthly income would therefore be around \$954.89 and therefore a yearly amount of approx. \$11,458.68 if volumes were to remain consistent.

These figures are based on initial audits of collected material and ratepayer involvement in the scheme. It is predicted that some residents will withhold eligible containers from their bins and redeem the rebate themselves. This will result in less tonnage being collected within the Shire. Many local factors will determine if this is more noticeable in the first months of the scheme introduction and may see volumes return to current levels after the initial honeymoon period.

The increase in fees will require a variation to the Shire's contract with Avon Waste Pty Ltd for 'Waste and Recycling and Bulk Rubbish Service' which was signed on 18 September 2020.

IMPLICATIONS TO CONSIDER

Consultative:

Avon Waste

Shire of Northam

Strategic:

Key points from the Strategic Community Plan that apply to this decision are:

Natural environment: Protect where we live.

○ 1: Preserve and protect our natural assets for future generations.

○ 2: Ensure sustainable operating practices.

Financial:

As a cost comparison, on a previous month's invoice, the difference is as follows:

Table 1: Cost comparison

	Ave. Tonnage*	Rate	Total
Existing	23.29	\$71.50	\$1,665.23
New	23.29	\$147.39	\$3,432.71
Difference per month			\$1,767.48

* Invoice three-monthly average for November, December, and January

As per table above the difference is \$1,767.48 per month and will add approximately \$21,209.79 per annum to the Domestic Refuse Collection which is \$349,541 in the 2020-2021 Annual Budget.

Possible income generated through the Container Deposit Scheme legislation is not considered at this stage due to the uncertainties in the current cost modelling.

The changes in recycling fees have also resulted in a review by the Shire of Northam in relation to its charges to local governments for the use of its waste facility. At its OCM held on 19 May 2021, the Shire of Northam Council resolved to increase its rate from \$65 per tonne to \$75 per tonne from 1 July 2021 and a further 10% increase to \$83 per tonne from 1 July 2022. This will need to be factored into the Shire's 2021/22 and 2022/23 budgets.

Legal and Statutory:

Local Government Act 1995

5.41 Functions of the CEO

The CEO's functions are to —

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) *ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) *cause council decisions to be implemented; and*
- (d) *manage the day-to-day operations of the local government; and*
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) *speak on behalf of the local government if the mayor or president agrees; and*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Risk related:

Risk has been assessed on the Officer's Recommendation.

Table 2: Risk Areas

Risk	Risk Likelihood	Risk Impact / Consequences	Risk Rating*	Risk Action Plan**
Contractual Risk: Missing contract obligations	Possible (3)	Moderate (3)	Moderate (3)	Manage Contractual Risks by following Contract management principles.
Legislative Risk: Changes in laws	Possible (3)	Moderate (3)	Moderate (3)	Develop and manage risk mitigation strategies such as risk avoidance, reduction, transfer and acceptance.

Risk	Risk Likelihood	Risk Impact / Consequences	Risk Rating*	Risk Action Plan**
Environmental Risk: Deficiencies in waste management	Unlikely (2)	Minor (3)	Moderate (3)	Manage Environment. Risk by applying environmental regulations and policies.
Public Risk: Loss of reputation	Possible (3)	Moderate (3)	Moderate (3)	Develop and manage a Community Communication Strategy Plan (Inform, engage and educate)

*Prior to treatment or control

**Controls or treatment proposed.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Acknowledges:

- (a) The increasing cost of recycling processing being encountered by Avon Waste Pty Ltd;
- (b) The impact of changes in legislation which have contributed to the increase in recycling processing costs;
- (c) That clause 4 'Price Adjustment Event' contained within the 'Waste and Recycling and Bulk Rubbish Service Contract' between the Shire of Toodyay and Avon Waste is applicable in the current circumstances;
- (d) The decision by the Shire of Northam to increase tipping fees from 1 July 2021.
- (e) There will be an increase in cost to the Shire of Toodyay for recycling processing and tipping fees and this will in turn result in an increased annual fee charged to the ratepayers and other service users within the Shire of Toodyay.

2. Authorises the Chief Executive Officer to negotiate final details of the contract fee adjustment in accordance with the Waste and Recycling and Bulk Rubbish Service Contract between the Shire of Toodyay and Avon Waste.
3. Requests the Chief Executive Officer to incorporate in the 2021/22 budget:
 - (a) the agreed price increase for recycling processing, ensuring the additional cost to Council is offset by an increase in Recycling Levy charged to ratepayers and other service users; and
 - (b) the approved price increase for tipping fees charged by the Shire of Northam.

OFFICER'S REVISED RECOMMENDATION/COUNCIL RESOLUTION NO. 134/06/21

MOVED Cr Pearce

That Council:

1. Authorises the Chief Executive Officer to negotiate final details of the contract fee adjustment with the Waste and Recycling and Bulk Rubbish Services Contract between the Shire of Toodyay and Avon Waste.
2. Requests the Chief Executive Officer to incorporate in the 2021/22 budget:
 - (a) the agreed price increase for recycling processing, ensuring the additional cost to Council is offset by an increase in Recycling Levy charged to ratepayers and other services users; and
 - (b) the approved price increase for tipping fees charged by the Shire of Toodyay.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

9.5 COMMITTEE REPORTS

Nil

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil

12. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 MEMBERS

13.1.1. Cr Madacsi – CEO application for annual leave from 12-16 July 2021

Cr Madacsi advised of new business of an urgent nature, regarding Council's consideration of Item 13.1.1 CEO application for annual leave from 12-16 July 2021 that she wished to introduce by decision of the meeting.

In accordance with Standing Order 4.5(3) and (4) New Business of an Urgent Nature the Shire President requested the CEO give a verbal report, the summary of which is as follows:

The CEO has completed an application for annual leave from 12-16 July 2021. Upon checking the CEO contract of employment, she noted that Council needs to approve annual leave being taken unless the Shire President had been previously authorised to approve annual leave by Council and that currently is not the case. This matter would not be able to be considered at a Council Meeting prior to the proposed time of leave which is why it is being proposed as urgent business.

Advice was sought as to whether it could be considered under leave of absence but the advice was that it needs to be considered as an item of urgent business.

OFFICER'S RECOMMENDATION 1

That Council approves an application by the CEO for annual leave from 12-16 July 2021 inclusive.

OFFICER'S RECOMMENDATION 2

That Council authorises the Shire President to approve future applications made by the CEO for leave up to a maximum period of two months

The Shire President read aloud the motion to be made.

Cr Rayner moved the motion as follows:

That Council considers Item 13.1.1 CEO application for annual leave from 12-16 July 2021 as new business of an urgent nature.

Cr Hart seconded the motion.

The motion was put.

MOTION/COUNCIL RESOLUTION NO. 135/06/21

MOVED Cr Rayner

SECONDED Cr Hart

That Council considers Item 13.1.1 CEO application for annual leave from 12-16 July 2021 as new business of an urgent nature.

MOTION CARRIED 7/0

OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. 136/06/21

MOVED Cr Ruthven

That Council approves an application by the CEO for annual leave from 12-16 July 2021 inclusive.

MOTION CARRIED 7/0

The Shire President read aloud Officer's Recommendation 2.

Clarification was sought.

Cr Rayner moved a Point of Order in accordance with Standing Order 8.4 pertaining to the fact that Council had only voted to consider Officer's Recommendation 1 as new business of an urgent nature and that Council had not voted to consider Officer's Recommendation 2 as new business of an urgent nature in accordance with Standing Order 4.5.

The Shire President upheld the Point of Order in accordance with Standing Order 8.5 and ruled that Cr Rayner was correct. The CEO withdrew Officer's Recommendation 2.

13.2 EMPLOYEES

Nil.

14. CONFIDENTIAL BUSINESS

14.1 Appointment of a Senior Officer – Manager Corporate and Community Services

Date of Report:	10 June 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	STR58
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Confidential Attachment:	1. Recruitment and Selection Report

PURPOSE OF THE REPORT

To present Council with a report on the recruitment process for the role of Manager Corporate and Community Services for consideration.

BACKGROUND

Following the resignation of Ms Chileya Luangala from the position of Manager Corporate and Community Services at the Shire of Toodyay in April, a recruitment process was commenced by the Chief Executive Officer (CEO).

After seeking and receiving proposals from three suitably qualified recruitment professionals, Lydia Highfield Consultancy (LHC) was appointed to facilitate the process to fill the vacancy.

Pursuant to Section 5.37 of the *Local Government Act 1995*, the CEO is to inform Council of each proposal to appoint or dismiss a Senior Employee. This is one of the nominated positions.

COMMENTS AND DETAILS

A confidential Recruitment Report has been prepared by LHC and is attached for Council's information at Attachment 1. The process for recruitment has involved the following:

- Review of the position description to ensure relevance and accuracy.
- Advertising of the role in print and online forums including The West Australian, Toodyay Herald, Facebook, the Shire's website and on SEEK.
- Eleven applications were received and reviewed. LHC prepared a shortlist of four applicants for interview which was provided and discussed with the CEO.
- The CEO and Lydia Highfield interviewed the shortlisted applicants with the Acting Manager Corporate & Community Services and Manager Assets and Services attending as observers.
- Referee and qualifications checks were undertaken by LHC.
- Recommendation Report provided to the Chief Executive Officer.
- A follow-up meeting with the preferred candidate undertaken by the Chief Executive Officer.

Based on the process outlined above, the CEO is recommending that the preferred candidate as indicated in the attached confidential Recruitment Report is appointed to the position of Manager Corporate and Community Services.

Council could choose to accept or reject recommendation but if it rejects the CEO's recommendation, reasons must be provided in accordance with Section 5.37(2) of the Act.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Governance: The way the Shire leads and operates

Objective 1 Provide accountable and transparent leadership for the community.

Objective 2 Consistently improve our governance practices.

Objective 3 Ensure rigorous organisational systems.

At all times, the Shire is committed to engaging the best applicant for the role advertised.

Policy related:

Nil

Financial:

The salary package negotiated with the preferred applicant by the Chief Executive Officer will be within budget allocations and aligns with the package advertised as part of the recruitment process.

The cost of the recruitment was as follows:

- Professional services \$5,850
- Advertising \$3,365

The 2020/21 adopted budget includes an allocation for advertising and promotion. The cost of the professional services will be allocated to and covered by savings in wages and salaries due to leave and other resignations.

Legal and Statutory:

Local Government Act 1995

5.37. Senior employees

- (1) *A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) *The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for it doing so.*
- (3) *Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (4A) *Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (4) *For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.*

[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]

Risk related:

The risks associated with recruitment relate to the ability to recruit appropriately skilled, experienced and qualified staff. The decision to engage a recognised and respected Recruitment Consultant was designed to mitigate this risk.

There is an operational risk and a financial risk should Council choose to reject the CEO's recommendation. These are both rated high.

Workforce related:

The engagement of a suitable candidate for this role is vital to enable the senior management group to effectively work together to lead and support the organisation.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council, in accordance with Section 5.37(2) of the *Local Government Act 1995*:

1. Accepts the recommendation from the Chief Executive Officer contained in the Recruitment Report attached as confidential Attachment 1 regarding the employment of the Manager Corporate and Community Services as a Designated Senior Officer.
2. Notes that the Chief Executive Officer will negotiate the terms of the contract with the preferred candidate which are aligned to the conditions advertised and within budget allocations for this role. A contract term of three years will be offered.

The visitors in the public gallery departed at 5.03pm.

The electronic meeting continued publicly online at that time.

Cr Ruthven moved the Officer's Recommendation.

Clarification was sought.

The Presiding Member requested a motion be moved in accordance with Standing Orders 5.2 (2) that the meeting be closed to the public.

MOTION/COUNCIL RESOLUTION NO. 137/06/21

MOVED Cr Pearce

SECONDED Cr Hart

1. That, in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public at 5.04pm to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the *Local Government Act 1995* as matters being considered deal with the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.
2. That in accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

MOTION CARRIED 7/0

Clarification was sought.

MOTION/COUNCIL RESOLUTION NO. 138/06/21

MOVED Cr Hart

That Council move from behind closed doors at 5.11pm.

MOTION CARRIED 7/0

Council Chambers were re-opened at 5.11pm. No members of the public gallery returned to the Chambers and the electronic livestream recommenced at 5.11pm.

Further clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 139/06/21

MOVED Cr Ruthven

SECONDED Cr Hart

That Council, in accordance with Section 5.37(2) of the *Local Government Act 1995*:

1. Accepts the recommendation from the Chief Executive Officer contained in the Recruitment Report attached as confidential Attachment 1 regarding the employment of the Manager Corporate and Community Services as a Designated Senior Officer.
2. Notes that the Chief Executive Officer will negotiate the terms of the contract with the preferred candidate which are aligned to the conditions advertised and within budget allocations for this role. A contract term of three years will be offered.

MOTION CARRIED 7/0

15. NEXT MEETINGS

AROC Meeting	12 July 2021
Agenda Briefing	20 July 2021
Council Meeting	27 July 2021

16. CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.12pm.

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Attachments that formed part of the Meeting Agenda

PLANNING AND DEVELOPMENT

No reports

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1. Recruitment and Selection Report	SCA



Agenda Briefing

15 June 2021

Notes

Unconfirmed Notes

These notes were approved for distribution on 18 June 2021.


Suzie Haslehurst
CHIEF EXECUTIVE OFFICER

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes."

At the next Ordinary Meeting of Council the Notes will be received, subject to any amendments made by the Council.

The "Received" Notes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Agenda Briefing are put together as attachments to these Notes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as part of the Ordinary Council Meeting, in a separate Confidential Minuted Item (CMI).

Received Notes

These notes were received at an Ordinary Council Meeting held on 22 June 2021.

Signed: R. Martinez

Note: The Presiding Member at the meeting at which the notes were received is the person who signs above.

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The **ATTACHMENTS** to these notes were the attachments to the Ordinary Council Meeting dated 22 June 2021.

NOTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Madacsi, declared the meeting open at 4.00pm.

Acknowledgement of Country: *"I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging."*

2. RECORDS OF ATTENDANCE/APOLOGIES

Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr P Hart	
Cr M McKeown	
Cr S Pearce	
Cr B Rayner	

Staff

Ms S Haslehurst	Chief Executive Officer
Mr J Augustin	Manager Assets and Services
Mr H de Vos	Acting Manager Planning & Development
Mr M Werder	Acting Manager Corporate & Community Services
Mrs M Rebane	Executive Assistant

Visitors

C Kershaw

2.1 APOLOGIES

Cr T Chitty

2.2 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Bell

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Name	Date from	Date To
Cr Bell	22 June 2021	4 July 2021

3. DISCLOSURE OF INTERESTS

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4. PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

As per the Council Meeting Agenda.

4.2 PUBLIC QUESTION TIME

Nil.

5. CONFIRMATION OF MINUTES

As per the Council Meeting Agenda.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Nil.

7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

As per Council Meeting Agenda.

9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

9.1 PLANNING AND DEVELOPMENT

Nil

9.2 CORPORATE & COMMUNITY SERVICES

9.2.1 List of Payments – March 2021

Questions and Points raised		
Councillor	Discussion	Response
Pearce	CI2918 the IGA Administration have a question does council have a policy providing staff with soft-drink and water?	<u>CEO response:</u> No. We do not. <u>Acting Manager Planning and Development response:</u>

Questions and Points raised		
Councillor	Discussion	Response
		<i>With respect to Visitor Centre we do purchase large containers of water for the machine but to my knowledge all soft drink is purchased by staff from their own funds.</i>
Pearce	CI2831 Komatsu front wheel loader \$4,901 but later in the month lease payment for the front-end loader and same amount. Do we pay two payments per month for that lease?	<p><i>CEO took this question on notice.</i></p> <p><u>Response after Agenda Briefing from Acting Manager Corporate and Community Services:</u></p> <p>CI2831 dated 16/4/21, refers to the Komatsu front wheel loader monthly lease for April 2021.</p> <p>CI2839 dated 17/5/21, refers to the Komatsu front wheel loader monthly lease for May 2021.</p>
Pearce	The same thing occurred with the CI2836 the grader lease. Do we pay two payments per month for that lease?	<p><i>CEO took this question on notice.</i></p> <p><u>Response after Agenda Briefing from Acting Manager Corporate and Community Services:</u></p> <p>CI2836 dated 26/4/21, refers to the Komatsu grader lease monthly lease for April 2021.</p> <p>CIU3051 dated 24/5/21, refers to the Komatsu grader lease monthly lease for May 2021.</p>
Pearce	Various surveys set out for Julimar Road page 5 – is the figure part of a grant and somehow recouped?	<p><u>Manager Assets and Services response:</u></p> <p><i>This is part of a grant and we get that money back.</i></p>
Ruthven	CI2903 page 2 Major motors for Coondle-Nunile of \$4,101 – do we get that money back from DFES for this expenditure?	<p><u>Acting Manager Corporate & Community Services:</u></p> <p><i>That would be added to the DFES machines. All the DFES machines – officers concerned must ensure that everything is allocated to the right account to ensure this is part of the DFES funding. The repair would be part of the maintenance on that particular project.</i></p>

Questions and Points raised		
Councillor	Discussion	Response
Ruthven	Numerous payments for Fire Mitigation Services re the MAF. How are we tracking getting the grant acquitted before the end of the financial year?	<p>CEO took the question on notice.</p> <p><u>Response after Agenda Briefing from Manager Assets and Services:</u></p> <p>Works are on track to be finished by 30 June. We anticipate that works will continue up to the deadline. Acquittal is due 14 July. Therefore, the final 50% will be invoiced in 2021/22 and provision will be made in the budget for this.</p>
Ruthven	CI2970 page 5 – repairs to pipeline damage at Morangup as requested by the RMO for \$2,096. Do we know what caused the damage?	<p>CEO took the question on notice.</p> <p><u>Response after Agenda Briefing from Manager Assets and Services:</u></p> <p>Damage was to community water supply infrastructure as part of MAF works. Pipes were not buried at the appropriate depth. This is an informal water scheme not available on Dial Before You Dig. Shire and contractor agreed to contribute to the cost. Shire's contribution was funded from the Reserves Management budget allocation.</p>
McKeown	Update on water usage at the recreation centre	<p><u>CEO response:</u></p> <p>We have been following up the process and it is a bit of a blame game. We have a report from the defects liability manager outlining that a piece of electronic machinery failed in the bore which was telling the system there was no water left in the bore but in fact there was. When using the shandy arrangement, it indicated there was not enough bore water available and we had to fill it with scheme water. We followed up with the Project Managers and we will be sending an invoice for a portion of the water usage for the last few months. We will need to follow</p>

Questions and Points raised		
Councillor	Discussion	Response
		<i>through and if require, tale the matter further.</i>

9.2.2 Monthly Financial Statements May 2021

Questions and Points raised		
Councillor	Discussion	Response
Pearce	<p>Page 30 Capital Revenue</p> <p>Total Capital Revenue \$1,193,441.</p> <p>Does the officer expect this figure to be received by 30 June 2021?</p> <p>{Closing Funding Surplus \$369,065}</p>	<p><u>Acting Manager Corporate and Community Services response:</u></p> <p>On Note 11, Grants and Contributions, agenda page 24 the individual numbers and breakdown of it is more than that because \$2m relates to DFES. Clarification and working with the CESM are that some works are still in progress and some are carried forward as projects and are to be recovered in the new year. The acquittal date for DFES items is at the end of August. We are making sure expenditure is correctly recorded to do the acquittal. I am liaising with the CESM on a regular basis to sort this out to get 100% of the budgeted grants.</p> <p>The other matter is that there is an amount of \$700,000 relating to Main Roads and this will be recovered. Bridge 700 has been completed and the invoice for \$465,000 is being raised to MRWA. An additional \$138,000 invoice has been raised in June for the Roads Program Grant projects. Two partially completed projects will be carried forward, to be completed between July and September with the expenditure and the grants revenue to be carried forward.</p>

Questions and Points raised		
Councillor	Discussion	Response
		<p><u>CEO response:</u></p> <p>We have also received \$225,000 from the acquittal of the CSRFF grant for Recreation Centre and we are awaiting the remainder of the BBRF grant.</p>
McKeown	<p>Note 10 Information on Borrowings Page 23. Explanation needed on the Recreation Precinct Loan 75 & 75B.</p>	<p><u>Response from Acting Manager Corporate Services:</u></p> <p>The reference to Loan 75B in the first column should not be there, the loan total in the Budget was \$6,085,052. The approval of the conversion to the 20-year Loan for \$4,500,000 has been finalised by WATC. The semi-annual fixed payments starting on the 23 December will be \$141,059, initially around \$90,000 principal and \$50,000 interest. The State Government Guarantee Fee starts at around \$15,000 semi-annually from 31 December 2021.</p>
Pearce	<p>Note 2 Explanation of Variances</p> <p>Capital Expenses</p> <p>Land and Buildings \$2,978,095 – projects yet to be completed/commenced.</p> <p>Note 13: Capital Acquisitions – list has Rec Centre \$2,355,677. Can officer explain this figure as Rec centre has been completed?</p> <p>Also the total of Buildings is \$3,254,420 not as above for land and buildings?</p>	<p><u>Acting Manager Corporate and Community Services response:</u></p> <p>With that project we cannot take up expenditure until the project has been capitalised. We have liaised with the Quantity Surveyor requesting the componentisation of the project as different assets will have different depreciation rates. Then our Finance Coordinator can capitalise the project and it will move from being an outstanding balance to being a capital project in the books.</p>
Pearce	<p>Note 4: Cash and Investments page 69.</p>	<p><u>Acting Manager Corporate and Community Services response:</u></p>

Questions and Points raised		
Councillor	Discussion	Response
	<p>Would the officer please explain, what happens to the Term deposits when they mature?</p> <p>For example T811 was \$9,547 and maturity date 16.3.21:</p> <p>T100 \$141,678 maturity date 27.5.21</p> <p>+ others - have remained in the table? Have they been reinvested? What has happened to them even</p>	<p>Generally depends on cashflow requirements, sometimes they may be rolled over and amounts are sometimes withdrawn. Some are for specific purposes; for example: bonds. Some are due to the accounting standards and we have not amended the dates on those. As an example, the loan maturity date of 25/05/21 should have been changed to the new date. All the dates of maturity should be updated.</p>
Pearce	<p>Note 6: Receivables.</p> <p>Current outstanding Rates \$824,336 – acknowledging some is deferred rates, how much can the shire expect to recover/collect?</p>	<p><u>Acting Manager Corporate and Community Services response:</u></p> <p>We have had very interesting last couple of days after sending out notices to email recipients with outstanding rates. Some have paid, a limited number of negative responses have been received and my job will be to respond to them. For those people without emails, we will send letters to notify them of their rate balances.</p>
Pearce	<p>Note 11: Grants Contributions Transport</p> <p>Road to recovery Amount received \$861,226 and not received \$162,371.</p> <p>Budget approved was \$698,885. Did Shire receive extra grant monies?)</p> <p>last month amount financials showed received amount \$591,441 i.e. increase \$270,000.</p> <p>Would the officer please explain the difference between the two months?</p>	<p><u>Acting Manager Corporate and Community Services response:</u></p> <p>At the Agenda Briefing I stated that It appears on the surface that we have received more than was originally budgeted for.</p> <p>Note 11: Grants Contributions, page 25, the Roads to Recovery grant was budgeted at \$698,855 with \$861,226 apparently received which was \$161,371 more than anticipated.</p> <p>Investigating the details showed some FAGs grants were put into the RTR grant account. This will be fixed and we will check to ensure that all budgeted grants are received.</p>

Questions and Points raised		
Councillor	Discussion	Response
		<i>There generally would be increases from month to month as additional income is received or expenditure is paid to creditors or payroll.</i>
Pearce	<p>Note 13 Capital Acquisitions</p> <p>John Deere Deck Mower \$47,440. Would the officer please explain if this was a budgeted item? I could not find in the 20/21 budget. It is also listed in payments for last month</p>	<p><u>CEO response:</u></p> <p><i>I believe this may have been for the Roller Mower purchased for the TRC. If so, Council approved an amendment to the budget in March 2021 transferred \$30,000 out of reserves to support that so Council was aware of it.</i></p> <p><u>(Clarification provided after the Agenda Briefing from the Manager Assets and Services)</u></p> <p>The John Deere Front Deck Mower is listed in the Shire's 2020-21 Annual Budget on page 74 under cost item 122202 - T6435 Kubota Front Deck for \$35,000. Whilst quoted prices for deck mowers exceeded the revised budget, the additional cost for the John Deer Mower was offset by some favourable sales prices on two vehicles sold at auction (\$18,000 above budget) which were surplus to the Shire's needs.</p>
McKeown	<p>Note 3 in the graph down the bottom the red line no cross for may at the end of it. Just not updated. Current funding is \$895,000 in table above so the red line taken a dive. Could that be updated?</p>	<p><u>Acting Manager Corporate and Community Services response:</u></p> <p><i>Yes</i></p>
McKeown	<p>Infrastructure Work in Progress which Cr Pearce mentioned 2.8m – know we paid Borrell Rafferty \$10,000 in the past few months was that for work on that?</p>	<p><u>CEO response:</u></p> <p><i>That was for the capitalisation project and this is what our Acting Manager Corporate and Community Services mentioned earlier; that we have gone</i></p>

Questions and Points raised		
Councillor	Discussion	Response
		<i>back to them to ask for a breakdown of some of the components.</i>
McKeown	<p>If the spend on Infrastructure Works in Progress is \$2.8 million and the budget for the Recreation Precinct was only \$2.35 million”.</p> <p>Will it still be an over-spend on the Recreation Precinct?</p>	<p>CEO took the question on notice.</p> <p><u>Response after Agenda Briefing from the Acting Manager Corporate and Community Services:</u></p> <p>In Note 13: Capital Acquisitions the Recreation Precinct Buildings has a budget of \$2,355,677 for this year. As soon as we have the information for the componentisation of the project from Borrell Rafferty Associates we can capitalise the construction costs and match the actual spend against the collective budgets for the life of the construction. I have just spoken to Paul Rafferty and the data is being sent today, Thursday.</p> <p>In total the contract value (Inclusive of Preliminaries and Professional Fees, excluding GST) is \$14,854,900.40 so a query on the annual over / under spend is probably a rhetorical question at this stage.</p>

9.3 EXECUTIVE SERVICES

9.3.1 Strategic Community Plan 2021-2031

Questions and Points raised		
Councillor	Discussion	Response
Pearce	<p>Strategic Community Plan</p> <p>Table pg. 39 Correct Media Age to Median Age</p>	<p><u>CEO response:</u></p> <p><i>A correction will be made to the word “median” age.</i></p>

Questions and Points raised		
Councillor	Discussion	Response
Pearce	<i>The male population 2,686 and female population 2,215 to not add to total population of 4,427</i>	<u>CEO response:</u> <i>A correction would be made to the totals of the female and male population added together.</i>
Pearce	<i>Pg. 48 Need to look at text box with "what you told us you don't like about the Shire". The phrasing of More consultation, More support to local business, more transparency and accountability in decisions making, financial sustainability of the shire, + other</i>	<u>CEO response:</u> <i>A correction would be made to the wording and amendment of the title on the page so it says, "you told us what you would like to see us improve."</i>
Pearce	<i>Did the data received indicate that the community was concerned about financial sustainability of the Shire?</i>	<u>CEO response:</u> <i>It was not as high level as that. It was more about rates going up and about jobs, support for businesses. It was not as specific as financial sustainability.</i>
	<i>Pg. 54 refers to better management of finance and budget. How is this reflected it to be the Economic Objectives?</i>	<u>CEO response:</u> <i>That is not an economic objective but more of a governance objective referring to providing reasons for variations to the budget and the overall management of the budget.</i>
Ruthven	<i>In measuring the success of the SCP it refers to tree cover in the shire. Are they saying too many trees or not enough?</i>	<u>CEO response:</u> <i>One suggestion is that more trees get planted in the Shire. Those suggestions are for consideration and we placed those in there for information but the ones above the picture are the ones proposed to be used.</i>
Ruthven	<i>Statistical table on page 39 the WA LG Directory 2021 source of the data quoted as the source of the information that WALGA directory does not identify the source of their data and looking at the ABS Stuff if</i>	<u>CEO response:</u> <i>This will be up to Council. The ABS will not give us the length of sealed or unsealed roads but we can source the population data from the ABS.</i>

Questions and Points raised		
Councillor	Discussion	Response
	<i>you look at 2019 ABS data it says the total population for Toodyay should be 4,458. The male population 2,243 and the female is the same is correct. When you add the two together it gives you the total 4,458. Given that we do not know the source of the WA LG Directory data would it be better if we just used figures sourced from the ABS 2019 which is the most recent estimated population</i>	<u>Response after Agenda Briefing:</u> ABS data will be used.
McKeown	<i>Total revenue do not know if the LG Directory has it in there but that figure is nothing like the total revenue we have at the moment.</i>	CEO took the question on notice. <u>Response after Agenda Briefing:</u> Figures from the audited financial statements for 2019/20 will be used.
McKeown	<i>Few pages further on under resourcing it has the table and find it incomprehensible. Been to the website to understand where numbers came from and explanation incomprehensible. Doubt the value of that.</i>	CEO took the question on notice. <u>Response after Agenda Briefing:</u> This will be removed.
Hart	<i>Page 39 statistics table the phrase media age – may mean median</i>	<u>CEO response:</u> <i>This will be corrected.</i>

9.3.2 Register of Delegations – Review 2021

Questions and Points raised		
Councillor	Discussion	Response
Ruthven	<i>In the revised version we have in the Agenda in a few places it refers to removal of delegations and then renumbering. Wouldn't it be better to not renumber but make a reference to the number of delegations being</i>	<u>EA response:</u> <i>Your point is taken.</i> <u>EA response after the Agenda Briefing:</u> The practice with the Delegation Register has been to renumber each time a delegation has been

Questions and Points raised		
Councillor	Discussion	Response
	<i>removed because renumbering it the numbers do not match?</i>	<p>removed as well as note the changes in the Officer's Report within a table that is in the Officer's Report that is considered when the Delegation Register is presented to Council.</p> <p>The numbers of the delegations are inconsequential.</p> <p>Each delegation register stands alone. The amendments are contained in the Officer's Report put to Council and hardcopies and electronic copies of all Delegation Registers are kept for posterity should anyone in the public wish to look into the past.</p> <p>The review table of the Delegation Register has been updated to reflect the above and the delegation register was reposted to the Councillor hub on 16.6.2021.</p>
Ruthven	<i>Page 72 ES12 – LG Property agreements been a lot of modification to this one.</i>	<p><u>CEO response:</u></p> <p><i>The typographical error will be amended so that the heading in the table will match the title of the delegation.</i></p> <p><u>EA response after the Agenda Briefing:</u></p> <p>The error has been fixed and the delegation register was reposted to the Councillor hub on 16.6.2021.</p>
Ruthven	<i>PD1 on page 238 of the attachments. Statement of intent refers to the Criminal Procedure Act and Planning and Development Act but it is not listed in the other relevant references. Should they be?</i>	<p>CEO took the question on notice.</p> <p><u>Response after Agenda Briefing:</u></p> <p><i>This delegation does refer to the Planning and Development Act 2005 but there is no need to have a reference to the Criminal Procedure Act. This will be amended.</i></p>
Ruthven	<i>PD2 similar question which is reference to Criminal Procedure Act and Planning</i>	<p>CEO took the question on notice.</p> <p><u>Response after Agenda Briefing:</u></p>

Questions and Points raised		
Councillor	Discussion	Response
	<i>and Development Act but it is not listed in the other relevant references. Should they be?</i>	<i>This delegation does refer to the Planning and Development Act 2005 but there is no need to have a reference to the Criminal Procedure Act. This will be amended.</i>

9.3.3 Policy for appointment of Acting CEO

Questions and Points raised		
Councillor	Discussion	Response
Pearce	<p>In the section Risk Related what training and what about advance notice – what about if we take personal leave?</p> <p>What will be in place to reduce the risk?</p>	<p><u>CEO response:</u></p> <p><i>The procedure will be that a senior employee of the organisation will be asked to stand in as the CEO. In cases where it is personal leave of a short nature we do not appoint a temporary CEO. Where there is likely to be a week or two weeks off an acting CEO will be appointed. For short-term absences employees cover each other. In terms of training are familiar with council meetings so that they understand how they work and senior staff are also invited to training undertaken by Councillors. There will be other training such as ongoing professional development training.</i></p> <p><i>LG Professionals offer an executive leadership program which offered to Officers who would benefit from that type of program.</i></p>
McKeown	What is the benefit of having this period of time of two months as opposed to six weeks?	<p><u>CEO response:</u></p> <p><i>The period is arbitrary. Some Councils stipulate a month, two months, three months. This would be up to Council to decide.</i></p>
Hart	Looking at the date of next review 23/2/2022. Does it need to be?	<p><u>CEO response:</u></p> <p><i>The date is arbitrary. This wouldn't necessarily need to be the date. It can be amended.</i></p>

9.3.4 Disposal of Property via Public Auction - Various

No queries or points raised.

9.4 ASSETS AND SERVICES

9.4.1 Request to increase Recycling Processing Fees

Questions and Points raised		
Councillor	Discussion	Response
McKeown	Resolution itself – just wondered why we are acknowledging all the items in the resolution? Again	<p><u>CEO response:</u></p> <p><i>It was a case of cutting and pasting from another local government. We can review the resolution and put forth an amended one.</i></p> <p><u>Response after Agenda Briefing from Manager Assets and Services</u></p> <p><i>The Officer's Recommendation will be revised as follows:</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Authorises the Chief Executive Officer to negotiate final details of the contract fee adjustment with the Waste and Recycling and Bulk Rubbish Services Contract between the Shire of Toodyay and Avon Waste.</i> <i>2. Requests the Chief Executive Officer to incorporate in the 2021/22 budget:</i> <ol style="list-style-type: none"> <i>a) the agreed price increase for recycling processing, ensuring the additional cost to Council is offset by an increase in Recycling Levy charged to ratepayers and other services users; and</i>

Questions and Points raised		
Councillor	Discussion	Response
		<i>b) the approved price increase for tipping fees charged by the Shire of Toodyay</i>
McKeown	Does anywhere in the report recommend increasing fees to the public for recycling?	<u>Shire President response:</u> <i>Not from what I have read. I have assumed that we would review that in budget process.</i>

9.5 COMMITTEES

Nil.

10. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil.

12. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 MEMBERS

Nil.

13.2 EMPLOYEES

Nil.

14. CONFIDENTIAL BUSINESS

14.1 Appointment of a Senior Officer – Manager Corporate and Community Services

The Shire President advised that the attachment was confidential.

The Shire President ruled the meeting move behind closed doors at 4.50pm.

The Shire President ruled the meeting come from behind closed doors at 5.00pm.

15. NEXT MEETINGS

As per Council Meeting Agenda.

16. CLOSURE OF MEETING

There being no further business, the Shire President, declared the Agenda Briefing closed at 5.02pm.

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Shire of Toodyay					
List of Payments Presented to Council for Period 1 May 2021 to 31 May 2021					
Pay/Type	Date	Name	Description		Amount
12849	14/5/2021	Department Of Transport	12 Months Vehicle Registration - 1HEW473		79.35
12850	14/5/2021	Shire Of Toodyay	Library Book Purchases		1,000.00
12851	14/5/2021	Telstra Corporation Ltd	Telstra Mobile & Data - April 2021		1,523.82
12851	14/5/2021	Telstra Corporation Ltd	Telstra Account 7852285500 - April 2021		314.41
12851	14/5/2021	Telstra Corporation Ltd	Telstra Account 0293288400 - April 2021		6,933.47
12852	14/5/2021	Water Corporation	Water Account - Toodyay Recreation Centre - 10/02/2021 To 10/03/2021		24,013.91
12852	14/5/2021	Water Corporation	Water Account - Northam Toodyay Standpipe 02/03/2021 To 03/05/2021		13,932.00
12852	14/5/2021	Water Corporation	Water Account 9023940768 - Toodyay Recreation Centre 07/04/2021 To 05/05/2021		12,810.10
12853	27/5/2021	Mrs Chiley Luangala	Gift On Leaving In Accordance With Council Policy		100.00
12854	28/5/2021	Old Gaol Museum	Old Gaol Honorariums - June 2021		400.00
12855	28/5/2021	Shire Of Toodyay	Recoup Of Admin Petty Cash - May 2021		444.35
			<i>USB's - BFB Openings & Stamp</i>	19.05	
			<i>Gift Cards - S Patterson as per Council Policy</i>	105.95	
			<i>Refreshments - Council Agenda</i>	39.50	
			<i>Citizenship Gifts</i>	21.00	
			<i>Citizenship plants</i>	10.50	
			<i>Sationery - Shire President</i>	10.00	
			<i>A4 Photo paper - Citizenship</i>	28.00	
			<i>Train tickets - Sharepoint Training</i>	24.05	
			<i>USB Console Cable - Chambers</i>	27.50	
			<i>128GB Usb - FOI</i>	43.00	
			<i>Laundry Basket - 19A Clinton St unit</i>	9.95	
			<i>Flu Vaccination</i>	24.95	
			<i>Cake - Staff meeting - MCCA Goodbye</i>	70.00	
			<i>Greetings cards x 2</i>	10.95	
CI.2519	14/5/2021	West Wide Auto Electrics	Auto Electrical Repairs - CESM Vehicle		905.00
CI.2582	14/5/2021	Stewart & Heaton Clothing Co Pty Ltd	BFB PPE - Cargo Pants		183.68
CI.2611	14/5/2021	Avon Skip Bins	Front Lift Bin Empty - Depot - March 2021		100.00
CI.2784	14/5/2021	Bitumen Surfacing	Supply & Install Materials - Timber Creek Cres Reseal		117,834.08
CI.2798	15/4/2021	Fujifilm Business Innovation Australia Pty Ltd	Photocopier Lease - Admin		370.70
CI.2824	14/5/2021	West Wide Auto Electrics	Heavy Duty Battery - BRPC Vehicle		462.00
CI.2831	16/4/2021	Komatsu Australia Corporate Finance Pty Ltd	Front Wheel Loader Lease		4,901.37
CI.2832	19/4/2021	Gear Select	Drum Roller Lease		2,296.91

Shire of Toodyay					
List of Payments Presented to Council for Period 1 May 2021 to 31 May 2021					
Pay/Type	Date	Name	Description		Amount
CI.2834	26/4/2021	Commonwealth Bank Of Australia	Equigroup - IT Hardware & Software Lease		1,982.20
CI.2836	26/4/2021	Komatsu Australia Corporate Finance Pty Ltd	Grader Lease		4,560.99
CI.2844	14/5/2021	Toodyay Tyre & Exhaust	Repairs & Replacement Tyres On Shire Vehicles - Includes Balancing & Disposal		3,497.00
CI.2845	14/5/2021	Dorma Australia Pty Ltd	Automatic Sliding & Swing Door Maintenance		693.00
CI.2851	27/4/2021	Commonwealth Bank Of Australia	Payout Invoice: lau00155125 For The Purchase Order - P11025		1,385.78
CI.2862	28/4/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		7.70
CI.2871	14/5/2021	Officeworks	Admin Stationery - Part Order		459.45
CI.2873	14/5/2021	Toll	Freight Charges To 18 April 2021		43.89
CI.2878	14/5/2021	Landgate	Mining Tenements - Schedule M2021/4		40.60
CI.2879	14/5/2021	Kleen West Distributors	Admin Cleaning Products		107.47
CI.2880	14/5/2021	Broderick Waste Solutions	Management Of Waste Transfer Station FE 20 April 2021		5,500.00
CI.2881	28/5/2021	C & F Building Approvals	NCC Compliance Assessment & Issue Of CDC X 4		528.00
CI.2882	14/5/2021	Avon Waste - Stondon Pty Ltd	Rubbish Collection Charges For The Fortnight Commencing 29 March 2021		13,968.00
CI.2888	14/5/2021	Toodyay Bakery & Cafe	Morning Tea Provisions For The Forget-Me-Not Cafe April 2021		39.90
CI.2891	14/5/2021	URL Networks Pty Ltd	Sip Trunks - PAYG, Landlines & Mobiles For April 2021		314.07
CI.2892	14/5/2021	Major Motors Pty Ltd	Repairs Toodyay Central 1.4 - CV Boot And Handbrake Adjustment		1,547.73
CI.2893	1/5/2021	Bendigo & Adelaide Bank Ltd	Transfer Fee		10.00
CI.2894	30/4/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		8.25
CI.2895	1/5/2021	Bendigo & Adelaide Bank Ltd	Monthly Service Fee		15.00
CI.2896	1/5/2021	Bendigo & Adelaide Bank Ltd	Overdraft Fee		15.00
CI.2897	1/5/2021	Bendigo & Adelaide Bank Ltd	Bpay Monthly Fee		246.84
CI.2898	3/5/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		3.61
CI.2899	3/5/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		0.11
CI.2900	3/5/2021	Commonwealth Bank Of Australia	Merchant Fee		153.08
CI.2901	3/5/2021	Commonwealth Bank Of Australia	Merchant Fee		154.25
CI.2902	3/5/2021	Commonwealth Bank Of Australia	Merchant Fee		55.84
CI.2903	14/5/2021	Major Motors Pty Ltd	Repair Of Front Hubs On Coondle-Nunile 3.4 - T8035		4,101.50
CI.2904	14/5/2021	Mcleods Barristers & Solicitors	Query Regarding Non-Compliance With S6.16 Of The Local Government Act		3,249.34
CI.2905	14/5/2021	Advanced Traffic Management	Provision To Supply Traffic Management As Per SOT TMP Hall Road Reconstruction Works		629.20

Shire of Toodyay					
List of Payments Presented to Council for Period 1 May 2021 to 31 May 2021					
Pay/Type	Date	Name	Description		Amount
CI.2906	14/5/2021	Synergy	Electricity Account 802970900 - 26/03/2021 To 28/04/2021		5,859.21
CI.2907	14/5/2021	WA Police Department	Volunteer National Police Clearance - Museum Volunteer		16.70
CI.2908	14/5/2021	Grand Toyota	20,000Km Service For 1HBL817		534.95
CI.2909	14/5/2021	Public Transport Authority Of WA	TransWA Ticket Sales For April 2021		358.62
CI.2911	14/5/2021	Australia Post	April 2021 Postage		361.64
CI.2912	14/5/2021	Toodyay Hardware & Farm	60 X 20Kg Bags Postcrete		445.50
CI.2913	14/5/2021	Toodyay Hardware & Farm	Lever Handle - Front Door Of Depot Office		36.71
CI.2914	14/5/2021	Toodyay Hardware & Farm	Adhesive Fixall & Caulking Gun		25.84
CI.2915	14/5/2021	Toodyay Hardware & Farm	Cut Keys - Anzac Park Electrical Boxes		9.00
CI.2916	14/5/2021	Toodyay Hardware & Farm	2 X 60Lt Rubbish Bins - Parks & Gardens		51.90
CI.2918	14/5/2021	Toodyay IGA	Toodyay IGA Account - April 2021		710.97
			<i>Admin - Newspapers, Milk, Coffe, Cleaning products, soft drink, household goods to stock 19A Clinton St Unit</i>	431.78	
			<i>Councillors - Refreshments training</i>	72.83	
			<i>VC - Milk, Paper Towel</i>	18.28	
			<i>Library - Newspapers, Milk</i>	47.93	
			<i>Ranger - Dog Food</i>	40	
			<i>Depot - Milk, Tea, Coffee, Sugar, Cleaning Products</i>	90.16	
			<i>Museum Volunteers - Water Bottles</i>	9.99	
CI.2919	14/5/2021	Hugo De Vos	Refund Of Sundry Debtor Overpayment Of Uniforms Paid From Payroll PPE 27042021		57.00
CI.2920	14/5/2021	Toodyay Hardware & Farm	Tie Wire, Hex Bolts And Galvanised Washers		11.87
CI.2922	14/5/2021	Toodyay Tyre & Exhaust	Repair To Tyre On Ranger Ute		35.00
CI.2925	14/5/2021	Afgri Equipment Australia Pty Ltd	Purchase Of New John Deere 1570 Front Deck Mower With Catcher Unit		52,183.97
CI.2926	14/5/2021	John Butler	VC Consign - Mar & April 2021		38.50
CI.2927	14/5/2021	Ms Alison Downie	VC Consign - April 2021		38.35
CI.2928	14/5/2021	June Foote	VC Consign - Jan & April 2021		19.92
CI.2929	14/5/2021	Mr Barry Keens	VC Consign - April 2021		36.40
CI.2930	14/5/2021	Quilts By Robyn	VC Consign - April 2021		135.00
CI.2931	14/5/2021	Mrs Misty Rogers	VC Consign - April 2021		15.20
CI.2932	14/5/2021	Ms Stephanie Slater	VC Consign - Mar & April 2021		10.00
CI.2933	14/5/2021	G Steytler	VC Consign - April 2021		12.00
CI.2934	14/5/2021	Sharons Outback Pottery	VC Consign - April 2021		40.00

Shire of Toodyay					
List of Payments Presented to Council for Period 1 May 2021 to 31 May 2021					
Pay/Type	Date	Name	Description		Amount
CI.2935	14/5/2021	Mrs Tanya Stuart	VC Consign - April 2021		117.37
CI.2936	14/5/2021	Tammar Publications	VC Consign - April 2021		14.00
CI.2937	14/5/2021	Deborah Termann	VC Consign - April 2021		30.00
CI.2938	14/5/2021	Swan Genealogy	VC Consign - April 2021		48.07
CI.2939	14/5/2021	Glenoran Leather	VC Consign - April 2021		30.77
CI.2940	14/5/2021	Southern Sharpening Services	VC Consign - April 2021		103.83
CI.2941	14/5/2021	Mrs Madeline Ross	Reimbursement Cost Of Fuel For The Attendance At WA Regional Tourism Conference		99.44
CI.2942	28/5/2021	Kale J Francis	Reimbursement For Out Of Pocket Expenses - MR Licence (Volunteer BFF)		147.40
CI.2943	14/5/2021	Equifax	Fit2Work Integrity Checks For April 2021		275.00
CI.2944	14/5/2021	Gemma Ringa Civil	Supply Of Compaction Materials For Embankment Works - Julimar Road Widening & Resealing		27,422.76
CI.2945	14/5/2021	Neo Civil Pty Ltd	Progress Claim #2 - Bridge 0700 Tender - Culvert Conversion - As Per Resolution No. 49/03/21		225,874.55
CI.2946	14/5/2021	Easifleet	Easisalary Payroll Deductions PPE 11052021		852.19
CI.2947	14/5/2021	Heatley Sales Pty Ltd	Final Payment - Last Of Order Has Arrived - Depot Staff Unifroms		367.98
CI.2948	14/5/2021	Shire Of Northam	2021 Caravan & Camping Show Fees - Joint Stand With Avon Valley		746.96
CI.2949	14/5/2021	Vanguard Press	Printing Of The 2021 Toodyay Brochure - 12,000 Copies, A5, 20Pp, Satin Art 150Gsm,		4,559.50
CI.2950	14/5/2021	WA Country Health Service - Accounts	Emergency Attendance - Staff - Bee Sting		323.00
CI.2951	14/5/2021	Hesperian Press	VC Stock - Books		307.15
CI.2952	14/5/2021	WA Naturally Publications	VC Stock - 40 X Bush Books Plus Freight		179.30
CI.2953	14/5/2021	AV Truck Services Pty Ltd	Replacement Parts For T12		875.84
CI.2954	14/5/2021	Autopro Northam	Chainsaw Bar Oil		127.26
CI.2955	14/5/2021	Autopro Northam	Replacement Wiper Blades - Mitsubishi Pajero Sport		46.35
CI.2956	14/5/2021	Autopro Northam	Replacement Fan Bearing Pulley Kit - Toyota Hilux Dual Cab		254.66
CI.2957	14/5/2021	Avon Waste - Stondon Pty Ltd	Rubbish Collection For The Fortnight Commencing 12/04/2021		13,819.77
CI.2958	14/5/2021	Synergy	Electricity Account - Shire Depot 14/04/2021 To 11/05/2021		434.43
CI.2959	14/5/2021	Strategic Leadership Consulting Group	Consultancy Services For Corporate Business Plan		7,040.00
CI.2960	14/5/2021	Bunnings - Midland	Chemset101 Twin Pack Ramset 380MI Cartridges		102.68
CI.2961	14/5/2021	C & F Building Approvals	NCC Compliance & Issue Of CDC X 4		528.00
CI.2962	14/5/2021	Western Geotechnics Pty Ltd	Four Ao Colour Posters, Each With Different Design, 190Gsm Photobase Satin, Shire Of Toodyay To Provide Artwork		198.00

Shire of Toodyay					
List of Payments Presented to Council for Period 1 May 2021 to 31 May 2021					
Pay/Type	Date	Name	Description		Amount
CI.2963	14/5/2021	Coates Hire	RSL Toodyay Sub-Branch - Lighting Tower For Anzac Day Services & Gun Fire Breakfast 2021 - X1 Lighting Tower - To Be Delivered To Wicklow Shearing Shed, Toodyay, 15 Clinton Street, Friday 23 April 2021		627.00
CI.2964	14/5/2021	Interform Interiors	Final Balance - Display Cabinet, Custom Built H:1820, L:1200,W:400 White Board Base To 720 Height, Glass Top, 2 X Glass Shelves - Museum		1,655.00
CI.2966	14/5/2021	Blackwell Plumbing	Unblock Toilets At Showgrounds		457.20
CI.2967	14/5/2021	Blackwell Plumbing	Unblock Female Toilets At Show Grounds.		226.60
CI.2968	14/5/2021	Hills Concrete Products	Moving Of Former Coondle Fire Station Water Tank To Darwinia Cres		1,523.50
CI.2969	14/5/2021	Toodyay Hardware & Farm	Water Tank Lid - Morangup 1.4		72.80
CI.2970	14/5/2021	Fire Mitigation Services Pty Ltd	Repairs To Pipeline Damage At Morangup As Requested By RMO		2,096.00
CI.2971	14/5/2021	Verlindens Electrical Service (WA)	Replace Light Above Printer In VC		259.60
CI.2972	14/5/2021	Verlindens Electrical Service (WA)	Replace Damaged Electrical Cable And Install New Cable Pit At Toodyay Waste Transfer Station		2,077.90
CI.2973	14/5/2021	Quality Press	SES & BFB Printed Operational Consumables		1,170.95
CI.2974	14/5/2021	Cameron Chisholm Nicol (WA) Pty Ltd	DLP Services - Toodyay Recreation Centre - January 2021		2,200.00
CI.2975	14/5/2021	Clean Sweep (WA)	Contract Cleaning Of Toodyay Townsite And Educting Of Storm Water Sumps		7,269.88
CI.2977	14/5/2021	Little Farm-Toodyay	Erecting Stock Exclusion Fence At Coondle Valley Reserve 35406		2,689.50
CI.2978	14/5/2021	Ladelle Pty Ltd	VC Stock		762.95
CI.2979	14/5/2021	Professional PC Support Pty Ltd	Managed ITC Agreement - Onsite & Travel For Ticket 17988 - Systems All Down Friday 30 April 2021		1,234.75
CI.2980	14/5/2021	Shop For Shops	Display Items For VC Plus Freight		221.00
CI.2981	14/5/2021	Southern Cross Austereo Pty Ltd	Triple M - Around The Towns Radio Chat For April 2021		88.00
CI.2982	14/5/2021	State Library Of WA	DDS Freight Recoup 2020-21 Toodyay Library		1,275.38
CI.2983	14/5/2021	Spacetoco Pty Ltd	Host Parterpro Bundle - Online Facility Bookings For April 2021		165.00
CI.2984	14/5/2021	Stewart & Heaton Clothing Co Pty Ltd	BFB PPE		2,416.60
CI.2985	14/5/2021	Total Green Recycling	Waste Transfer Station Recycling - For April 2021		918.23
CI.2986	14/5/2021	Veris Australia Pty Ltd - Corporate Office (Head Office)	Survey Setout Julimar Road		2,299.00
CI.2988	14/5/2021	Ms Wendy Binks	VC Stock Plus Freight		234.20
CI.2989	14/5/2021	Wright Express Aust Pty Ltd	SES Fuel Card Fees & Fuel Usage - April 2021		20.64
CI.2990	14/5/2021	Mrs Heather Frank	Art Work And Design For Pelham Outlet Signage.		127.50

Shire of Toodyay					
List of Payments Presented to Council for Period 1 May 2021 to 31 May 2021					
Pay/Type	Date	Name	Description		Amount
CI.2991	14/5/2021	Broderick Waste Solutions	Management Of Waste Transfer Station For The Fortnight Ending 4 May 2021		5,500.00
CI.2992	14/5/2021	Himac Attachments	150Rocks4 Rock Auger Attachment (150Mm) Plus Freight		1,839.20
CI.2993	14/5/2021	Shire Of Northam	Waste Tipping Fees For April 2021		10,527.70
CI.2994	14/5/2021	Mayday Earthmoving	Hire Of Pad Foot Roller For Capital Road Works For 01/04/2021 To 13/04/2021		1,663.20
CI.2995	14/5/2021	Marketforce	The West Australian Advertising - Intention To Borrow Advert 03/04/2021		448.13
CI.2996	14/5/2021	Marketforce	MCCS Position Advertisement - West Australian 24/04/2021		3,108.78
CI.2997	14/5/2021	West Wide Auto Electrics	Electrical Repairs To John Deere Grader		1,182.14
CI.2998	14/5/2021	Synergy	Electricity Account - Streetlights 25/03/2021 To 24/04/2021		3,747.92
CI.2999	14/5/2021	Fujifilm Business Innovation Australia Pty Ltd	Monthly Photocopier Readings April 2021		255.24
CI.3000	10/5/2021	Fujifilm Business Innovation Australia Pty Ltd	Photocopier Lease - Depot/VC/Library		470.34
CI.3001	11/5/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		7.81
CI.3002	14/5/2021	Toll	Freight Charges To 25/04/2021		58.08
CI.3003	12/5/2021	CNH Industrial Capital Aust Pty Ltd	Iveco Truck Lease		3,207.70
CI.3004	14/5/2021	Toll	Freight Charges To 02/05/2021		15.02
CI.3005	14/5/2021	Datacom Solutions (Au) Pty Ltd	Datascape ERP Implementation - Milestones 6, 7, 8		9,846.77
CI.3006	14/5/2021	Datacom Solutions (Au) Pty Ltd	Datascape Monthly SaaS Fee - April 2021		3,300.00
CI.3007	14/5/2021	Datacom Solutions (Au) Pty Ltd	Datapay Payroll & Direct Access For April 2021		290.40
CI.3008	14/5/2021	Broderick Waste Solutions	Cartage Of Waste To Northam For The Month Of April 2021		4,818.00
CI.3009	14/5/2021	Broderick Waste Solutions	Cartage Of Recycling Materials To Perth - 23/04/2021		660.00
CI.3010	14/5/2021	Stewart & Heaton Clothing Co Pty Ltd	Artwork Charge For BFB Belt Buckles		357.50
CI.3011	28/5/2021	Fire Mitigation Services Pty Ltd	MAF 20/21 - Bushfire Prevention Works Grevillea Reserve Treatment ID 5603/21412		16,500.00
CI.3012	28/5/2021	Mr Gary Horsfield	Window Cleaning Services - Medical Centre, Memorial Hall & Pavilion		480.00
CI.3014	28/5/2021	Wilko's Feral Pest Control	Feral Pig Tracking And Surveillance.		385.00
CI.3016	28/5/2021	Kennards Hire	Provision To Hire 2 x Variable Message Boards. 1 Week Hire		800.00
CI.3017	28/5/2021	Bitumen Surfacing	Supply And Install Materials, Hall Road Sealing Works		40,341.32
CI.3018	28/5/2021	Dunning Investments Pty Ltd	Diesel & Unleaded Fuel Delivery		23,289.40
CI.3019	28/5/2021	Jason Signmakers	Quad Stand With Workman Symbol X 2 & Swing Stand Sign Frame X 4		331.85
CI.3020	28/5/2021	Jason Signmakers	No Left Turn X 4 & No Right Turn X 4		157.60
CI.3021	28/5/2021	Jason Signmakers	1 X Kane Road Sign & 1 X Wilkerson Road Sign		118.02
CI.3022	28/5/2021	Jason Signmakers	1 X Goonaring Road Sign		59.44
CI.3023	28/5/2021	Jason Signmakers	Children Crossing Signs X 7		564.72

Shire of Toodyay					
List of Payments Presented to Council for Period 1 May 2021 to 31 May 2021					
Pay/Type	Date	Name	Description		Amount
CI.3025	28/5/2021	Jason Signmakers	2 X Cross Roads Signs & 2 X Give Way Signs		271.88
CI.3026	28/5/2021	Mrs Rosemary Madacsi	May 2021 Members Monthly Attendance Allowance		3,114.95
CI.3027	28/5/2021	Beth Ruthven	May 2021 Members Monthly Attendance Allowance		1,484.90
CI.3028	28/5/2021	Brian Rayner	May 2021 Members Monthly Attendance Allowance		1,022.94
CI.3029	28/5/2021	Mr Benjamin Bell	May 2021 Members Monthly Attendance Allowance		1,022.94
CI.3030	28/5/2021	Mrs Therese Chitty	May 2021 Members Monthly Attendance Allowance		1,022.94
CI.3031	28/5/2021	Philip D Hart	May 2021 Members Monthly Attendance Allowance		1,022.94
CI.3032	28/5/2021	Mrs Susan Pearce	May 2021 Members Monthly Attendance Allowance		1,022.94
CI.3033	28/5/2021	Michael Mckeown	May 2021 Members Monthly Attendance Allowance		1,022.94
CI.3034	28/5/2021	Fire Mitigation Services Pty Ltd	MAF 20/21 - Hazard Reduction Works Treatment ID'S 5645/21412		12,100.00
CI.3035	28/5/2021	Toodyay Bakery & Cafe	Morning Tea - Forget Me Not Cafe - May 2021		39.40
CI.3036	28/5/2021	Fire Mitigation Services Pty Ltd	MAF 20/21 - Hazard Reduction Treatment ID'S 5674/21851 & 5675/2185		11,990.00
CI.3037	28/5/2021	Fire Mitigation Services Pty Ltd	MAF 20/21 - Hazard Reduction Treatment ID'S 5604 & 8070		49,500.00
CI.3038	17/5/2021	Commonwealth Bank Of Australia	Bpoint Fee		31.95
CI.3039	17/5/2021	Komatsu Australia Corporate Finance Pty Ltd	Front Wheel Loader Lease		4,901.37
CI.3040	17/5/2021	Fujifilm Business Innovation Australia Pty Ltd	Photocopier Lease - Planning & Development		155.10
CI.3041	17/5/2021	Fujifilm Business Innovation Australia Pty Ltd	Photocopier Lease - Admin		370.70
CI.3042	17/5/2021	Toyota Finance	BRPC Vehicle Lease		1,359.73
CI.3043	18/5/2021	Gear Select	Drum Roller Lease		2,296.91
CI.3044	18/5/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		9.24
CI.3045	18/5/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		0.30
CI.3046	28/5/2021	Hays Specialist Recruitment (Aust) Pty Ltd	Temp Finance Coordinator WE 11/04/2021		1,692.31
CI.3047	28/5/2021	Hays Specialist Recruitment (Aust) Pty Ltd	Temp Finance Coordinator WE 18/04/2021		2,444.15
CI.3048	28/5/2021	Hays Specialist Recruitment (Aust) Pty Ltd	Temp Finance Coordinator WE 25/04/2021		2,759.47
CI.3049	28/5/2021	Hays Specialist Recruitment (Aust) Pty Ltd	Temp Finance Coordinator WE 02/05/2021		2,306.45
CI.3050	28/5/2021	Hays Specialist Recruitment (Aust) Pty Ltd	Introduction Fee - Finance Coordinator		10,234.40
CI.3051	24/5/2021	Komatsu Australia Corporate Finance Pty Ltd	Grader Lease		4,560.99
CI.3052	28/5/2021	Biomax Pty Ltd	Quarterly Service Of C10 Biomax System At Depot Plus 15 Chlorine Tablets		146.20
CI.3053	28/5/2021	Cameron Chisholm Nicol (WA) Pty Ltd	DLP Phase Of Recreation Centre Construction - Feb & Mar 2021		1,100.00
CI.3054	28/5/2021	Dept Of Fire & Emergency Services	2020/2021 ESL 4th Qtr In Accordance With DFES Of WA Act 1998		26,824.69
CI.3056	28/5/2021	Mcleods Barristers & Solicitors	Legal Advice Regarding Formal Agreement Lot 280 Horseshoe Road, Coondle		862.97

Shire of Toodyay					
List of Payments Presented to Council for Period 1 May 2021 to 31 May 2021					
Pay/Type	Date	Name	Description		Amount
CI.3057	28/5/2021	Borrell Rafferty Associates Pty Ltd	Quantity Surveyors Toodyay Recreation Centre - June 2020		4,895.00
CI.3058	28/5/2021	Specialised Tree Service	Clackline Road Tree Pruning - With Discount		9,344.20
CI.3059	28/5/2021	Leon J Couper	Reimbursement For The Purchase Of 2 Pet Carriers - Rangers		59.98
CI.3062	28/5/2021	Toodyay Tyre & Exhaust	4 X 245/70 R16 General Grabber At3 Tyres - Ranger Utes		1,124.00
CI.3063	28/5/2021	C & F Building Approvals	NCC Compliance Assessments & Issue Of CDC X 4		528.00
CI.3065	28/5/2021	The Cola Cafe	Catering For Training Crs & Staff		298.10
CI.3067	28/5/2021	Ricky L Arnott, Nina L Hunter	Refund Of Excess Rates Due To Overpayment At Settlement		30.99
CI.3069	28/5/2021	Frames West	Replace Bucket Cutting Edge - Track Skid Steere		973.50
CI.3070	28/5/2021	Frontline Fire & Rescue Equipment	BFS Boots & Eflares		4,336.52
CI.3071	28/5/2021	Komatsu Australia Pty Ltd	Transmission Oil For Komatsu Grader		1,000.71
CI.3078	28/5/2021	Professional PC Support Pty Ltd	Managed ITC Agreement Monthly Billing Hours - June 2021		8,332.26
CI.3083	28/5/2021	Transwest WA	Supply Of Gravel (To MRWA Specs) For Julimar Road Capital Improvements - Widening And Sealing		31,996.80
CI.3084	28/5/2021	Candeloro Farms Pty Ltd	Supply Of Gravel For Bejoording Rd Widening And Sealing Program.		71,468.60
CI.3089	28/5/2021	Charles Service Company	Admin, Youth Hall & Moondyne Cleaning - May 2021		2,182.40
CI.3090	28/5/2021	Charles Service Company	Monthly Cleaning Of Shire Facilities For May 2021		11,215.39
CI.3091	28/5/2021	Fire Mitigation Services Pty Ltd	MAF 20/21 Hazard Reduction Treatment ID 5677		4,180.00
CI.3092	28/5/2021	Verlindens Electrical Service (WA)	Replace 2 Fluors In Depot Office & Install Float Switch To Main Water Tank		2,512.13
CI.3104	28/5/2021	Neo Civil Pty Ltd	Progress Claim 3 - Bridge 700 Tender		179,177.63
CI.3106	28/5/2021	Stewart & Heaton Clothing Co Pty Ltd	Cargo Pants - BFS		551.03
CI.3107	26/5/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		8.25
CI.3114	28/5/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		4.29
CI.3115	28/5/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		0.15
CI.3117	14/5/2021	Credit Card CESM	Credit Card - CESM		4.00
			Card Fee	4.00	
CI.3118	14/5/2021	Credit Card MCCS	Credit Card - MCCS		1,698.12
			Caltex Yanchep - Fuel T000	30.03	
			Humanitix - Dowerin Do-Over Conference 2021	185.02	
			Adobe Systems Subscription	462.91	
			Spot Device service	1.93	
			2021 WA Regional Tourism Conference	545.00	
			South West Heritage Conference	250.00	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 May 2021 to 31 May 2021					
Pay/Type	Date	Name	Description		Amount
			<i>Puma Yanchep - Fuel T000</i>	<i>60.09</i>	
			<i>International Fee</i>	<i>0.06</i>	
			<i>WALGA Breakfast - CEO</i>	<i>55.00</i>	
			<i>Card Fee</i>	<i>4.00</i>	
			<i>BP Muchea - Fuel T000</i>	<i>25.08</i>	
			<i>12 months Vehicle Registration - 1TDY961</i>	<i>24.00</i>	
			<i>WALGA Breakfast - Shire President</i>	<i>55.00</i>	
CI.3120	14/5/2021	Credit Card MPD	Credit Card - MPD		2,807.35
			<i>AVIS hire vehicle for Ranger McMillan</i>	<i>2793.35</i>	
			<i>Coles Express - Fuel T0000</i>	<i>10.00</i>	
			<i>Card Fee</i>	<i>4.00</i>	
CI.3122	14/5/2021	Credit Card CEO	Credit Card - CEO		175.55
			<i>2 Wreaths for Anzac Day</i>	<i>130.00</i>	
			<i>Citizenship Coins</i>	<i>41.55</i>	
			<i>Card Fee</i>	<i>4.00</i>	
CI.3123	14/5/2021	Credit Card MAD	Credit Card - MAS		1,224.90
			<i>Bistro Table & two chairs - Memorial Hall</i>	<i>1016.00</i>	
			<i>Headsets for Depot Staff</i>	<i>204.90</i>	
			<i>Card Fee</i>	<i>4.00</i>	
DD24144.1	10/05/2021	Western Australian Treasury Corporation	Loan No. 64 Interest payment - Toodyay Visitor Centre		10466.42
DD24146.1	31/05/2021	Western Australian Treasury Corporation	Loan No. 72 Fixed Component - Loan No 72 - Land Purchase Rec Facility		38013.53
EFT28562	14/05/2021	Construction Training Fund	CTF Levies For April 2021		577.50
EFT28563	14/05/2021	Department Mines, Industry Regulation & Safety	BS Levies For April 2021		1,857.29
EFT28564	28/05/2021	Avon Valley Collectors Club	Refund Of Bond - Avon Valley Collectors Club - Memorial Hall 30/04/2021 To 02/05/2021		500.00
	12/05/2021	Payroll	Payroll PPE 11/05/2021		110,360.06
	12/05/2021	Aware Super	Payroll PPE 11/05/2021		19,658.94
	26/05/2021	Payroll	Payroll PPE 25/05/2021		107,661.28
	26/05/2021	Aware Super	Payroll PPE 25/05/2021		19,711.24
			Total Payments		1,539,945.73

Direct Debit \$ 39,462.38

Shire of Toodyay					
List of Payments Presented to Council for Period 1 May 2021 to 31 May 2021					
Pay/Type	Date	Name	Description		Amount
Trust EFT	\$	2,934.79			
Muni EFT	\$	1,130,125.68			
DD Payroll	\$	218,021.34			
DD Super	\$	39,370.18			
DD Loans	\$	48,479.95			
Muni Chqs	\$	61,551.41			
Trust Chqs	\$	-			
TOTAL	\$	1,539,945.73			

SHIRE OF TOODYAY
MONTHLY FINANCIAL REPORT
For the Period Ended 31 May 2021
LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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Note 12	Trust
Statement of Capital Acquisitions and Capital Funding	
Note 13	Details of Capital Acquisitions

SHIRE OF TOODYAY
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 31 May 2021

	Note	2020/2021 Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues							
Rates	9	\$ 6,319,984	\$ 6,319,984	\$ 6,287,152	\$ (32,832)	% (0.52%)	
Operating Grants, Subsidies and Contributions	11	1,677,906	1,556,271	1,802,806	246,535	15.84%	
Fees and Charges		1,357,013	1,299,456	1,348,342	48,886	3.76%	
Interest Earnings		31,543	28,897	5,150	(23,747)	(82.18%)	▼
Profit on Disposal of Assets	8	63,550	58,256	0	(58,256)	(100.00%)	
Total Operating Revenue		9,449,996	9,262,864	9,443,449	180,585		
Operating Expense							
Employee Costs		(4,376,502)	(3,994,832)	(3,558,022)	436,811	10.93%	▲
Materials and Contracts		(3,577,196)	(3,306,899)	(3,314,685)	(7,786)	(0.24%)	
Utility Charges		(346,468)	(317,427)	(488,522)	(171,095)	(53.90%)	▼
Depreciation on Non-Current Assets		(3,529,141)	(3,234,968)	(3,427,553)	(192,585)	(5.95%)	
Interest Expenses		(255,707)	(155,185)	(284,827)	(129,642)	(83.54%)	▼
Insurance Expenses		(253,090)	(240,479)	(257,007)	(16,528)	(6.87%)	
Other Expenditure		(95,000)	(87,505)	(226,499)	(138,994)	(158.84%)	▼
Total Operating Expenditure		(12,433,104)	(11,337,295)	(11,557,114)	(219,819)		
		(2,983,108)	(2,074,431)	(2,113,666)			
Funding Balance Adjustments							
Add back Depreciation		3,529,141	3,234,968	3,427,553	192,585	5.95%	
Adjust (Profit)/Loss on Asset Disposal		(63,550)	(58,256)	0	58,256	(100.00%)	
Adjust Provisions and Accruals		5,000	0	639	639		
Net Cash from Operations		487,483	1,102,281	1,314,526	212,245		
Capital Revenues							
Grants, Subsidies and Contributions	11	6,345,520	5,660,002	4,448,199	(1,211,803)	(21.41%)	▼
Proceeds from Disposal of Assets		159,000	145,750	164,112	18,362	12.60%	▲
Total Capital Revenues		6,504,520	5,805,752	4,612,311	(1,193,441)		
Capital Expenses							
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(3,315,361)	(3,039,036)	(60,941)	2,978,095	97.99%	▲
Infrastructure - Roads	13	(1,980,879)	(1,815,605)	(1,562,481)	253,124	13.94%	▲
Infrastructure - Footpaths	13	(52,000)	(47,663)	(47,852)	(188)	(0.40%)	
Infrastructure - Bridges	13	(465,000)	(426,250)	(473,575)	(47,325)	(11.10%)	▼
Infrastructure - Other	13	(129,208)	(118,426)	(67,940)	50,486	42.63%	▲
Plant and Equipment	13	(1,241,600)	(1,138,137)	(211,621)	926,516	81.41%	▲
Infrastructure - Work In Progress		0	0	(2,805,009)	(2,805,009)		
Total Capital Expenditure		(7,184,048)	(6,585,117)	(5,229,417)	1,355,700		
Net Cash from Capital Activities		(679,528)	(779,365)	(617,106)	162,259		
Financing							
Transfer from Reserves	7	431,670	395,681	0	(395,681)	(100.00%)	
Repayment of Debentures	10	(344,167)	(315,447)	(137,570)	177,877	56.39%	▲
Transfer to Reserves	7	(195,100)	(178,761)	(5,150)	173,611	97.12%	▲
Net Cash from Financing Activities		(107,597)	(98,527)	(142,720)	(44,193)		
Net Operations, Capital and Financing		(299,644)	224,389	554,701	330,312		
Opening Funding Surplus(Deficit)	3	301,670	301,670	340,424	38,754		
Closing Funding Surplus(Deficit)	3	2,026	526,059	895,124	369,065		▲

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

This statement is to be read in conjunction with the accompanying Financial Statements

SHIRE OF TOODYAY
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 31 May 2021

	Note	2020/2021 Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Operating Revenues							
Governance		59,500	54,527	97,708	43,181	79.19%	▲
General Purpose Funding - Rates	9	6,319,984	6,319,984	6,287,152	(32,832)	(0.52%)	
General Purpose Funding - Other		815,041	747,065	781,397	34,332	4.60%	
Law, Order and Public Safety		649,813	595,595	574,728	(20,867)	(3.50%)	
Health		67,500	61,853	56,779	(5,075)	(8.20%)	
Housing		11,780	10,791	13,485	2,694	24.97%	
Community Amenities		758,275	750,809	760,306	9,497	1.26%	
Recreation and Culture		110,500	101,244	135,274	34,030	33.61%	▲
Transport		220,985	220,860	277,088	56,228	25.46%	▲
Economic Services		249,866	228,976	288,574	59,598	26.03%	▲
Other Property and Services		186,752	171,160	170,958	(202)	(0.12%)	
Total Operating Revenue		9,449,996	9,262,864	9,443,449	180,585		
Operating Expense							
Governance		(756,240)	(700,750)	(707,122)	(6,372)	(0.91%)	▼
General Purpose Funding		(352,322)	(322,883)	(380,586)	(57,703)	(17.87%)	▼
Law, Order and Public Safety		(1,915,647)	(1,755,600)	(1,533,830)	221,770	12.63%	▲
Health		(309,960)	(284,031)	(175,306)	108,725	38.28%	▲
Education and Welfare		(46,314)	(42,427)	(22,405)	20,022	47.19%	
Housing		(37,268)	(34,100)	(22,935)	11,165	32.74%	▲
Community Amenities		(1,183,837)	(1,084,721)	(1,472,206)	(387,485)	(35.72%)	▼
Recreation and Culture		(2,027,379)	(1,785,022)	(1,497,050)	287,972	16.13%	▲
Transport		(4,512,600)	(4,136,264)	(4,091,889)	44,375	1.07%	
Economic Services		(1,006,282)	(922,086)	(1,044,033)	(121,947)	(13.23%)	▼
Other Property and Services		(285,257)	(269,411)	(609,752)	(340,341)	(126.33%)	▼
Total Operating Expenditure		(12,433,106)	(11,337,295)	(11,557,115)	(219,820)		
Funding Balance Adjustments				11,557,114			
Add back Depreciation		3,529,141	3,234,968	3,427,553	192,585	5.95%	
Adjust (Profit)/Loss on Asset Disposal	8	(63,550)	(58,256)	0	58,256	(100.00%)	
Adjust Provisions and Accruals		5,000	0	640	640		
Net Cash from Operations		487,481	1,102,281	1,314,526	212,245		
Capital Revenues							
Grants, Subsidies and Contributions	11	6,345,520	5,660,002	4,448,199	(1,211,803)	(21.41%)	▼
Proceeds from Disposal of Assets	8	159,000	145,750	164,112	18,362	12.60%	▲
Total Capital Revenues		6,504,520	5,805,752	4,612,311	(1,193,441)		
Capital Expenses							
Land and Buildings	13	(3,315,361)	(3,039,036)	(60,941)	2,978,095	97.99%	▲
Infrastructure - Roads	13	(1,980,879)	(1,815,605)	(1,562,481)	253,124	13.94%	▲
Infrastructure - Footpaths	13	(52,000)	(47,663)	(47,852)	(188)	(0.40%)	

SHIRE OF TOODYAY
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 31 May 2021

	Note	2020/2021 Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Infrastructure - Bridges	13	(465,000)	(426,250)	(473,575)	(47,325)	(11.10%)	▼
Infrastructure - Other	13	(129,208)	(118,426)	(67,940)	50,486	42.63%	▲
Plant and Equipment	13	(1,241,600)	(1,138,137)	(211,621)	926,516	81.41%	▲
Infrastructure - Work in Progress	13	0	0	(2,805,009)	(2,805,009)		▼
Total Capital Expenditure		(7,184,048)	(6,585,117)	(5,229,417)	1,355,700		
Net Cash from Capital Activities		(679,528)	(779,365)	(617,106)	162,259		
Financing							
Transfer from Reserves	7	431,670	395,681	0	(395,681)	100.00%	
Repayment of Debentures	10	(344,167)	(315,447)	(137,570)	177,877	56.39%	▲
Transfer to Reserves	7	(195,100)	(178,761)	(5,150)	173,611	97.12%	▲
Net Cash from Financing Activities		(107,597)	(98,527)	(142,720)	(44,193)		
Net Operations, Capital and Financing		(299,644)	224,389	554,701	330,312		
Opening Funding Surplus/(Deficit)	3	301,670	301,670	340,424	38,754		
Closing Funding Surplus(Deficit)	3	2,026	526,059	895,124	369,065	70.16%	

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

Shire of Toodyay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Note 2: EXPLANATION OF MATERIAL VARIANCES

Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	43,181	79.19%	▲		Additional grant income over annual budgeted amount
General Purpose Funding - Rates	(32,832)	(0.52%)			
General Purpose Funding - Other	34,332	4.60%			
Law, Order and Public Safety	(20,867)	(3.50%)		Timing	
Health	(5,075)	(8.20%)		Timing	Rental Income offset not yet processed
Housing	2,694	0.00%			
Community Amenities	9,497	1.26%			
Recreation and Culture	34,030	33.61%	▲	Timing	
Transport	56,228	25.46%	▲	Timing	
Economic Services	59,598	26.03%	▲	Timing	More revenue for standpipe
Other Property and Services	(202)	(0.12%)			
Operating Expense					
Governance	(6,372)	(0.91%)			
General Purpose Funding	(57,703)	(17.87%)	▼	Timing	
Law, Order and Public Safety	221,770	12.63%	▲	Timing	Progress bills for MAF yet to be received
Health	108,725	38.28%	▲	Timing	Building maintenance expense and rental offset yet to occur
Education & Welfare	20,022	47.19%			Investigating lower than expected expenditure
Housing	11,165	32.74%	▲	Timing	Housing costs relating to maintenance less than budgeted to date
Community Amenities	(387,485)	(35.72%)	▼	Timing	Rubbish Collection and Waste Management requires cost allocation over 12 month period
Recreation and Culture	287,972	16.13%	▲	Timing	Management of Recreation Centre and Pool yet to be implemented
Transport	44,375	1.07%			
Economic Services	(121,947)	(13.23%)	▼	Timing	Visitors Centre floor stock, Advertising and Building Maintenance Expense more than budgeted to date.
Other Property and Services	(340,341)	(126.33%)	▼	Timing	Vehicle Registration and Insurance requires cost allocation over 12 month period. Cost to be reallocated to transport
Capital Revenues					
Grants, Subsidies and Contributions	(1,211,803)	(21.41%)	▼		Waiting for grants to be invoiced and received
Proceeds from Disposal of Assets	18,362	12.60%	▲	Timing	Sale of Assets
Capital Expenses					
Land and Buildings	2,978,095	97.99%	▲	Timing	Projects yet to commence/be completed
Infrastructure - Roads	253,124	13.94%	▲	Timing	Projects yet to commence/be completed
Infrastructure - Footpaths	(188)	(0.40%)		Timing	
Infrastructure - Bridges	(47,325)	(11.10%)	▼	Timing	Projects costs more than anticipated
Infrastructure - Other	50,486	42.63%	▲	Timing	Projects yet to commence/be completed
Plant and Equipment	926,516	81.41%	▲	Timing	Projects yet to commence/be completed
Work In Progress			▼		
Financing					
Transfer from Reserves	0	100.00%			Reserve transfers yet to be posted
Transfer to Reserves	(5,150)	97.12%	▲		Reserve transfers yet to be posted
Loan Principal	177,877	56.39%	▲	Timing	Loan Repayments for Recreation Precinct

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Note 4: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits								
Municipal		1,071,068				1,071,068	Bendigo Bank	At Call
Trust				148,061		148,061	Bendigo Bank	At Call
(b) Term Deposits								
Municipal NCD: 3546421	0.15%		1,643,812			1,643,812	Bendigo Bank	16.08.21
Trust - T100	0.40%			141,679		141,679	Bendigo Bank	27.05.21
Trust - T4	0.40%			125,149		125,149	Bendigo Bank	26.05.21
Trust - T114	0.40%			208,511		208,511	Bendigo Bank	26.05.21
Trust - T214	0.40%			49,497		49,497	Bendigo Bank	26.05.21
Trust - T458	0.45%			451,213		451,213	Bendigo Bank	26.06.21
Trust - T793	0.40%			23,974		23,974	Bendigo Bank	26.05.21
Trust - T797	0.40%			32,901		32,901	Bendigo Bank	26.05.21
Trust - T805	0.50%			24,431		24,431	Bendigo Bank	14.04.21
Trust - T809	0.35%			123,764		123,764	Bendigo Bank	18.04.21
Trust - T811	0.55%			9,547		9,547	Bendigo Bank	16.03.21
Total		1,071,068	1,643,812	1,338,728		4,053,608		

Comments/Notes - Investments

The above totals reflect the actual balance of the bank statements held at the Bank at month end. These balances will not include items such as unrepresented cheques and payments, and monies received by the Shire on the last day of the month.

Trust monies held by the Shire of Toodyay are not reflected in Note 3: Net Current Funding Position.

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

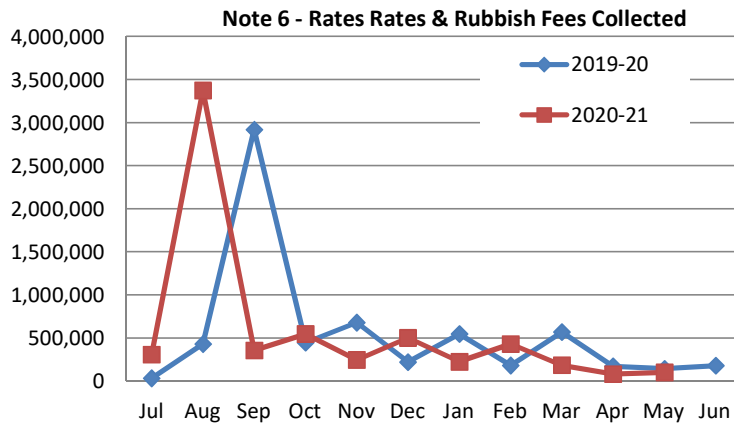
Note 6: RECEIVABLES

Receivables - Rates Receivable

Opening Arrears Previous Years
 Levied this year
Less Collections to date
 Equals Current Outstanding

Net Rates Collectable
 % Collected

YTD 31 May 2021	30 June 2020
\$	\$
700,084	681,435
6,366,432	6,557,391
(6,224,180)	(6,538,742)
842,336	700,084
842,336	700,084
88.08%	90.33%



Comments/Notes - Receivables Rates

Comments/Notes - Receivables Rates and Rubbish

ESL	30,118
Legal Action	17,157
Services (Rubbish, Waste)	59,843
Penalties	26,310
Rates and Arrears	578,157
Properties in Credit	(145,242)
Other	1670.74

Total Current **568,014**

Deferred Pensioners 274,322
 (not collectable till Pensioner property is sold or paid)

Total **842,336**

Please note that deferred pensioners are rates outstanding from previous years and deferralment is permitted under the Local Government Rates and Deferment Act.

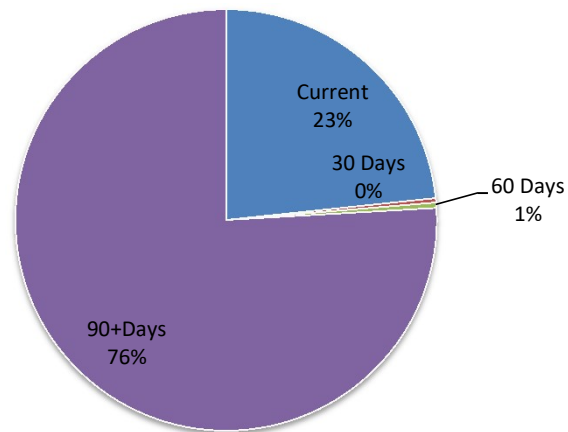
Please note the figure on Note 3 - Rates Collected refers only to those rates that are the 20/21 current financial year. The figure in Note 6 are for the 20/21 financial year as well as all rate arrear from previous years.

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
Receivables - General	70,076	1,005	1,245	227,883
Total Receivables General Outstanding				300,210

Amounts shown above include GST (where applicable)

Note 6 - Accounts Receivable (non-rates)



Comments/Notes - Receivables General

This note reflects Sundry Debtors only. It does not include other debtors such as GST due from the ATO & Pensioner Rebates due from the State.

No Action Required 588,035

Total Receivables - Other 888,244

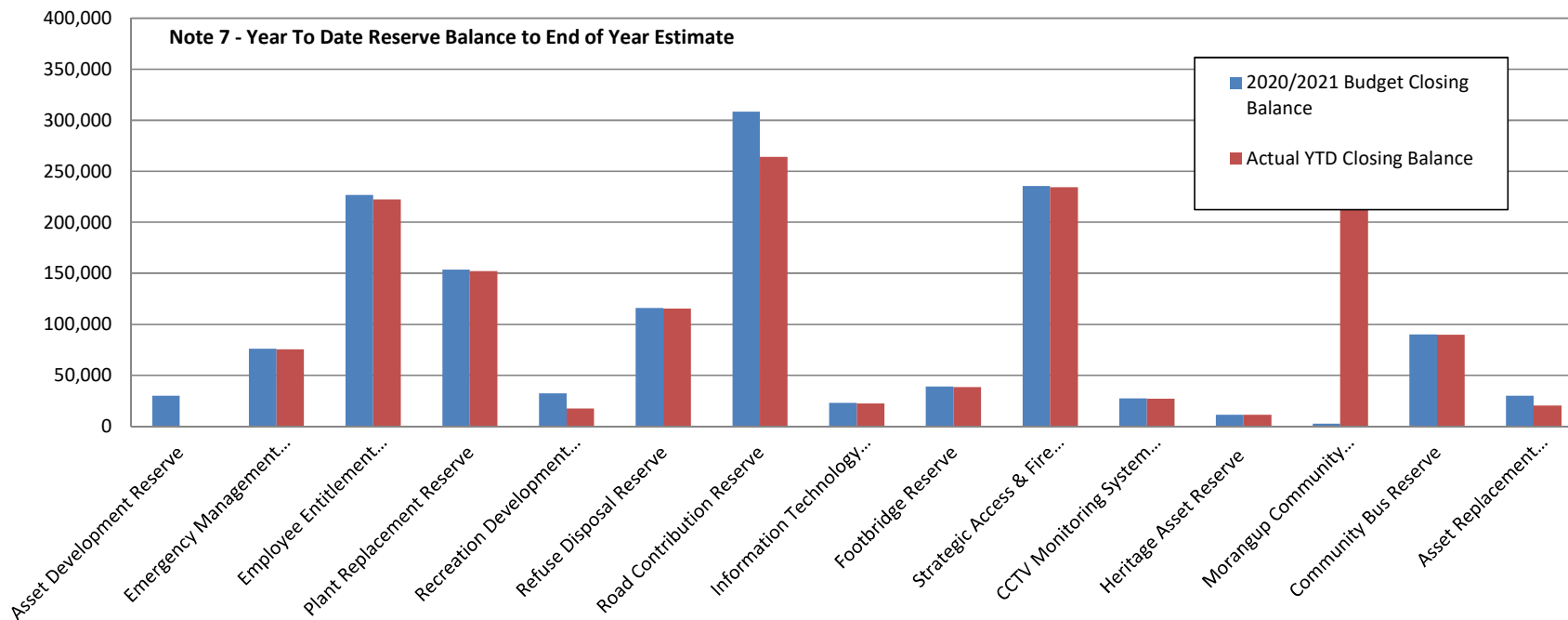
90+ days includes an invoice for \$225,000 that is related to the Department of Local Government, Sport and Industry. This will be settled once the acquittal is completed in June 2021.

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Note 7: Cash Backed Reserve

2020-21									
Name	Opening Balance	2020/2021 Budget Interest Earned	Actual Interest Earned	2020/2021 Budget Transfers In (+)	Actual Transfers In (+)	2020/2021 Budget Transfers Out (-)	Actual Transfers Out (-)	2020/2021 Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Asset Development Reserve	0	0	0	30,000	0	0	0	30,000	0
Emergency Management & Recovery Reserve	75,114	1,000	236	0	0	0	0	76,114	75,350
Employee Entitlement Reserve	221,733	5,000	697	50,000	0	(50,000)	0	226,733	222,430
Plant Replacement Reserve	151,529	2,000	476	0	0	0	0	153,529	152,005
Recreation Development Reserve	17,299	500	54	14,500	0	0	0	32,299	17,353
Refuse Disposal Reserve	115,017	1,000	361	0	0	0	0	116,017	115,379
Road Contribution Reserve	263,457	5,000	828	70,000	0	(30,000)	0	308,457	264,285
Information Technology Reserve	22,507	500	71	0	0	0	0	23,007	22,578
Footbridge Reserve	38,373	500	121	0	0	0	0	38,873	38,494
Strategic Access & Fire Egress Reserve	233,585	2,000	734	0	0	0	0	235,585	234,319
CCTV Monitoring System Reserve	27,031	350	85	0	0	0	0	27,381	27,116
Heritage Asset Reserve	11,130	250	35	0	0	0	0	11,380	11,165
Morangup Community Centre Reserve	352,199	2,000	1,107	0	0	(351,670)	0	2,529	353,306
Community Bus Reserve	89,499	500	281	0	0	0	0	89,999	89,780
Asset Replacement Reserve - Rec Precinct	20,189	0	63	10,000	0	0	0	30,189	20,252
	1,638,663	20,600	5,150	174,500	0	(431,670)	0	1,402,092	1,643,812

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021



SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2020/2021 Budget Rate Revenue \$	2020/2021 Budget Interim Rate \$	2020/2021 Budget Back Rate \$	2020/2021 Budget Total Revenue \$
Note 9: RATING INFORMATION										
RATE TYPE										
Differential General Rate										
GRV Residential	555	7,261,388	939,842	41,802	9,430	991,073	1,042,304	0	0	1,042,304
GRV - Commercial	28	1,338,282	187,627	(3,827)	0	183,800	179,974	0	0	179,974
GRV - Industrial	19	418,800	52,279	0	0	52,279	52,279	0	0	52,279
GRV - Rural	100	1,427,920	169,480	0	0	169,480	169,480	0	0	169,480
GRV - Rural Residential	880	12,858,860	1,447,908	(860)	0	1,447,048	1,446,189	0	0	1,446,189
UV - General	405	75,698,000	884,153	268	(275)	884,146	884,139	0	0	884,139
UV - Rural	184	161,086,000	1,444,781	(572)	(192)	1,444,016	1,443,251	0	0	1,443,251
			5,126,068	36,811	8,962	5,171,842	5,217,615			5,217,615
Minimum \$			0							
Minimum Payment										
GRV Residential	238	1,353,359	321,538	0	0	321,538	321,538	0	0	321,538
GRV - Commercial	6	35,200	8,106	0	0	8,106	8,106	0	0	8,106
GRV - Industrial	10	38,040	13,510	0	0	13,510	13,510	0	0	13,510
GRV - Rural	43	354,688	58,093	0	0	58,093	58,093	0	0	58,093
GRV - Rural Residential	528	3,493,132	713,328	0	0	713,328	713,328	0	0	713,328
UV - General	166	11,111,835	224,266	0	0	224,266	224,266	0	0	224,266
UV - Rural	0	411,000	0	0	0	0	0	0	0	0
			1,338,841			1,338,841				1,338,841
Concession			6,464,909			6,510,683				6,556,456
			(146,198)			(145,779)				0
Amount from General Rates			6,318,711			6,364,904				6,556,456
Ex-Gratia Rates			1,273			1,528				1,200
Totals			6,319,984			6,366,432				6,557,656

Comments - Rating Information

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

10. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Principal 1-Jul-20	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual \$	2020/2021 Budget \$	Actual \$	2020/2021 Budget \$	Actual \$	2020/2021 Budget \$
Recreation & Culture								
Loan 65 - Community Centre	13,016		6,398	13,016	6,618	0	444	722
Loan 67 - Library Upgrade	183,751		20,445	41,565	163,306	142,186	6,064	14,073
Loan 69 - Library Upgrade	0		0	0	0	0	0	0
Loan 72 - Land - Rec Precinct	744,371		43,380	0	700,991	744,371	32,647	35,158
Loan 73 - Refurbish Courts	0		0	0	0	0	0	0
Loan 75 - Recreation Precinct	4,500,000		4,500,000	0	0	0	33,116	0
Loan 75B - Recreation Precinct	4,500,000		0	0	4,500,000	4,500,000	0	0
Transport								
Loan 68 - Stirling Terrace	0		0	0	0	0	0	0
Loan 70 - Footbridge	15,889		11,833	15,889	4,056	0	509	623
Loan 71 - Depot Stage 2	590,337		17,826	36,056	572,511	554,281	13,342	28,282
Economic Services								
Loan 64 - Visitor Centre	19,945		19,945	19,945	0	0	984	1,046
Other Property & Services								
Loan 63 - Bank Building	17,744		17,744	17,744	0	0	827	1,010
Loan 74 - Refurbish Bank Building	0		0	0	0	0	0	0
	10,585,053	0	4,637,571	144,215	5,947,482	5,940,838	87,931	80,914

No new debentures were raised during the reporting period.

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Note 11: GRANTS AND CONTRIBUTIONS

Program/Details GL	Grant Provider	Approval	2020-21 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
	GENERAL PURPOSE FUNDING							
Operating	GENERAL PURPOSE GRANT	Federal Government	Yes	450,202			465,172	(14,970)
Operating	ROAD IMPROVEMENT GRANT	Federal Government	Yes	273,796			270,923	2,873
Operating	Rates - Legal Expenses Recovered	Local Government	Yes	35,000			1,860	33,140
	GOVERNANCE							
Operating	Recoups - Contributions, Donations & Reimburs	Local Government		7,500			0	7,500
Operating	LEGAL EXPENSES RECOVERED	Local Government		1,000			0	1,000
Operating	Grants - Governance	Local Government		1,000			0	1,000
Operating	Income Protection	LGIS		0			9,948	(9,948)
Operating	Administration - Income	Local Government		30,000			16,987	13,013
Operating	Administration - Income - GST Free	Local Government		20,000			59,668	(39,668)
	Income Protection	LGIS						
	LAW, ORDER, PUBLIC SAFETY							
Capital	Fire Prevention - Grants	DFES	Yes	1,766,215			212,975	1,553,240
Operating	ESL Levy Recoup	DFES	Yes	224,011			224,912	(901)
Operating	Fire Mitigation Grant	DFES	Yes	462,600			231,300	231,300
Operating	CESM Recoups	DFES & Shire of Goomalling	Yes	112,826			69,192	43,634
Operating	Bushfire Risk Management Coordinator	DFES		176,083			0	176,083
Operating	Toodyay Districts SES	DFES	Yes	49,019			18,592	30,427
Operating	Generator			0			21,207	(21,207)
	HEALTH							
Operating	Health Inspections Recoup	Local Government		500			0	500
	HOUSING							
Operating	Recoups/Reimbursements - Aged Housing	Local Government	Yes	0			443	(443)
Operating	Recoups - Staff Housing	Local Government		1,500			1,522	(22)

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Note 11: GRANTS AND CONTRIBUTIONS

	Program/Details GL	Grant Provider	Approval	2020-21 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
								Received	Not Received
	COMMUNITY AMENITIES								
Operating	Community Sponsorship	Local Government		5,000				0	5,000
	RECREATION AND CULTURE								
Operating	Community Centre Recoups		No	1,500				1,176	324
Operating	Club Insurance		Yes	3,000				1,662	1,338
Operating	Toodyay Race Club Reimbursements		Yes	2,500				1,017	1,483
Operating	Sport & Rec Grants	Lotterywest	Yes	1,000				63,244	(62,244)
Operating	Grant Income - Writers Festival		Yes	1,500				159	1,341
Operating	Grants Income	East Metropolitan Reg Council	Yes	3,000				0	3,000
Operating	Sport & Rec Grants	Dept Sport & Rec		2,500				0	2,500
Operating	Events Misc			1,500				1,100	400
Capital	Recreation Precinct	BBRF & Lotterywest		2,100,246				2,715,541	(615,295)
	TRANSPORT								
Operating	Operating Grants - Roads	MRWA	Yes	144,485				140,195	4,290
Operating	MRWA Street Light Subsidy	MRWA	Yes	1,500				0	1,500
Operating	Road Maintenance Contributions	Private	Yes	75,000				127,692	(52,692)
Operating	Road Safety	Office of Road Safety		0				9,201	(9,201)
Capital	Bridge	MRWA	Yes	465,000				0	465,000
Capital	Footpath			26,000				0	26,000
Capital	Road Program Grant	Main Roads	Yes	826,604				600,132	226,472
Capital	Roads to Recovery Grant	Dept of Infrastructure	Yes	698,855				861,226	(162,371)
	ECONOMIC SERVICES								
Operating	Community Directory	Avon Valley Advocate		3,000				0	3,000
Operating	Tourism & Area Promotion			3,000				31,323	(28,323)

31/05/21

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Note 11: GRANTS AND CONTRIBUTIONS

Program/Details GL	Grant Provider	Approval	2020-21 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
OTHER PROPERTY & SERVICES								
Operating	Public Works Overheads		1,000				118	882
Operating	Workers Compensation	LGIS	15,000				83,611	(68,611)
Operating	Fuel Tax Credits	ATO	28,784				0	28,784
Operating	Bank Building Recoups	Bendigo Bank	2,200				2,159	41
Operating	Reimbursement - Parenting Payment Scheme	Centrelink	0				6,050	(6,050)
Operating	Insurance Reimbursement	LGIS	0				698	(698)
TOTALS			8,023,426	0	0	0	6,251,004	1,772,422

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 31 May 2021

Note 12: TRUST FUND

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 1 Jul 20	Amount Received	Amount Paid	Closing Balance 31-May-21
	\$	\$	\$	\$
Quarry rehabilitation Bonds	1,863,800	16,992	(698,145)	1,182,647
Housing bonds	0			0
Kerb Bonds	0			0
Key bonds	6,361	18,525	(4,010)	20,876
Venue Hire Bonds	0	0	0	0
Crossover Bonds	0			0
BCITF	0	0	0	0
Building Services	0	35,251	(16,363)	18,888
Library Bonds	0			0
Standpipe bonds	20,710	68,142	(1,250)	87,602
Road Construction Bonds	27,998	6,200		34,198
Other Bonds	3,715	0	(3,066)	649
Planning Bonds	35,040	213	(25,706)	9,547
Aged Housing Grant Funds	0			0
Swimming Pool Funds	0			0
	1,957,624	145,323	(748,541)	1,354,406

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Note 13: CAPITAL ACQUISITIONS

Infrastructure Assets		Annual Budget 2020/21	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
		0	0	0	0	0	
Land Total		0	0	0	0	0	
Total Land		0	0	0	0	0	
BUILDINGS							
Governance							
Admin Brickwork Remediation	Q191	5,000	4,576	0	(5,000)		
Governance Total		5,000	4,576	0	(5,000)	0	
Law, Order, Public Safety							
Julimar Fire Shed	Q209	559,414	512,787	40,846	(518,568)		
Toodyay Co-location PPE Cleaning Facilities	Q211	9,600	8,800	11,985	2,385		
Law, Order, Public Safety Total		569,014	521,587	52,831	(516,183)		
Recreation And Culture							
Showgrounds Pavilion - Kitchen	Q148	5,000	4,576	0	(5,000)		
Morangup Community Centre	Q165	351,670	322,355	0	(351,670)		
Recreation Precinct Buildings	Q199	2,355,677	2,159,366	0	(2,355,677)		
Library Brickworks	J038	5,000	4,576	0	(5,000)		
Donegans Cottage	Q135	16,500	15,125	0	(16,500)		
Toodyay Race Club - Approx 10 buildings, 173 Racecourse Road (BLG037)				8,110	8,110		31/12/2020 Correct cost allocations since July - JE
Recreation And Culture Total		2,733,847	2,505,998	8,110	(2,725,737)	0	
Housing							
Clinton Street Duplex	Q009	7,500	6,875	0	(7,500)		
Other Property & Services Total		7,500	6,875	0	(7,500)		
Buildings Total		3,315,361	3,039,036	60,941	(3,254,420)	0	
Plant , Equip. & Vehicles							

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Note 13: CAPITAL ACQUISITIONS

Infrastructure Assets		Annual Budget 2020/21	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
Photocopier - Morangup BFB & Toodyay SES		5,500	5,042		(5,500)		
SES Ute Fitout		18,100	16,592	26,600	8,500		
4.4B Bejoording Fire Tender		569,000	521,583		(569,000)		
4.4B Julimar Fire Tender		569,000	521,583		(569,000)		
John Deere 7200A cylinder mower		35,000	32,083	33,469	(1,531)		
John Deere 1570 Front Deck mower with catcher				47,440			
Volkswagon Tiguan		45,000	41,250	24,224	(20,776)		
CESM Vehicle				50,718	50,718		This expense was accrued in the 2019/20 Financial Year
Custom Canopy for Ranger Vehicle				13,380	13,380		This expense was accrued in the 2019/20 Financial Year
Lights and Sirens for CESM Vehicle				15,791	15,791		This expense was accrued in the 2019/20 Financial Year
Transport Total		1,241,600	1,138,133	211,621	(1,157,307)	0	
Plant , Equip. & Vehicles Total		1,241,600	1,138,133	211,621	(1,157,307)	0	
Roads							
Transport							
Bejoording Road	A0001	612,156	561,143	639,494	27,338		
Julimar Road	A0004	418,500	383,603	263,281	(155,219)		
Toodyay West Road inc Footpath	B0011	300,160	275,110	0	(300,160)		
River Road	D0010	44,096	40,381	52,973	8,877		
Lovers Lane	D0012	39,899	36,542	58,085	18,186		
Toodyay Street	D0071	7,562	6,897	7,971	409		
McKnoe Drive	D0134	91,979	84,293	127,083	35,104		
Timber Creek Crescent	D0177	67,832	62,172	107,122	39,290		
Clinton Street - Footpath	B0064	48,695	44,638	47,852	(844)		
Toodyay Bindi Bindi Road	B0197	115,000	105,413	116,720	1,720		
Hall Road	B0168	235,000	215,413	157,759	(77,241)		
Sinclair Place		0	0	31,993	31,993		
Transport Total		1,980,879	1,815,605	1,610,332	(402,540)	0	
Roads Total		1,980,879	1,815,605	1,610,332	(402,540)	0	
Infrastructure - Bridges							
Transport							
Bridge Works - Toodyay Bindi Bindi Bridge		465,000	426,250	473,575	8,575		
Transport Total		465,000	426,250	473,575	8,575		

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2021

Note 13: CAPITAL ACQUISITIONS

Infrastructure Assets		Annual Budget 2020/21	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
Infrastructure Bridges - Total		465,000	426,250	473,575	8,575	0	
Infrastructure - Other							
Law, Order & Public Safety							
Emergency Fire Water Tanks	Q210	100,208	91,850	67,940	(32,268)	0	
Law, Order & Public Safety Total		100,208	91,850	67,940	(32,268)	0	
Economic Services							
Community Standpipe	Q206	29,000	26,576	0	(29,000)		
Community Amenities Total		29,000	26,576	0	(29,000)	0	
Infrastructure Other - Total		129,208	118,426	67,940	(61,268)	0	
Footpaths							
Jarrat Pass	112122	52,000	47,667	0	52,000	0	
		52,000	47,667	0	52,000	0	
Infrastructure Footpaths - Total		52,000	47,667	0	52,000	0	
Infrastructure - Work in Progress							
Works in Progress		0	0	2,805,009	2,805,009		Recreation Centre Precinct project. Reduced by \$1m as the June 2020 accrual for these expenses has now been reversed
Recreation & Culture Total		0	0	2,805,009	2,805,009		
Infrastructure Parks & Recreation - Total		0	0	2,805,009	2,805,009	0	
Capital Expenditure Total		7,184,048	6,585,117	5,229,417	(2,018,526)	0	

Shire of Toodyay - Bank Reconciliation As At 31 May 2021

Reserve

Balance as per

- Financial Statement - Reserve - 10075510	1,643,812.36
--	--------------

Total

1,643,812.36

Balance as per

- Bendigo - NCD: 3546421	1,643,812.36
--------------------------	--------------

Roundings

0.00

Difference

0.00

Subtotal

1,643,812.36

Adjustments (See Below)

0.00

Plus Outstanding Deposits - Current Month

0.00

Plus Outstanding Cheques - Current Month

0.00

Plus Outstanding Deposits - Previous Periods

0.00

Plus Outstanding Cheques - Previous Periods

0.00

Total

1,643,812.36

Adjustment Breakdown

0.00



Signed: Finance Coordinator

4/6/21

Date



Signed: Manager Corporate & Community Services

4/6/21

Date

Shire of Toodyay - Bank Reconciliation As At 31 May 2021

Trust

Balance as per

- Financial Statement - Trust - Unrestricted - 100617100 1,354,654.73

Total

1,354,654.73

Balance as per

- Bendigo - 110482783 148,061.24
 - Bendigo - Term Deposit No: 137945127 - T100 141,678.68
 - Bendigo - Term Deposit No: 152237145 - T214 49,497.31
 - Bendigo - Term Deposit No: 152238135 - T4 125,148.75
 - Bendigo - Term Deposit No: 152238176 - T114 208,511.42
 - Bendigo - Term Deposit No: 152238218 - T458 451,213.40
 - Bendigo - Term Deposit No: 152240818 - T793 23,973.62
 - Bendigo - Term Deposit No: 152240834 - T797 32,900.82
 - Bendigo - Term Deposit No: 158622798 - T805 24,431.07
 - Bendigo - Term Deposit No: 165467309 - T809 123,763.99
 - Bendigo - Term Deposit No: 173945890 - T811 9,547.24

Roundings (0.03)

Difference

0.00

Subtotal

1,338,727.51

Adjustments (See Below)

Plus Outstanding Deposits - Current Month 3,458.48
 Plus Outstanding Cheques - Current Month 0.00
 Plus Outstanding Deposits - Previous Periods 12,468.74
 Plus Outstanding Cheques - Previous Periods 0.00

Total

1,354,654.73

Adjustment Breakdown

Trust transfer 0.00



Signed: HR/Finance Officer

4-6-2021

Date



Signed: Finance Manager

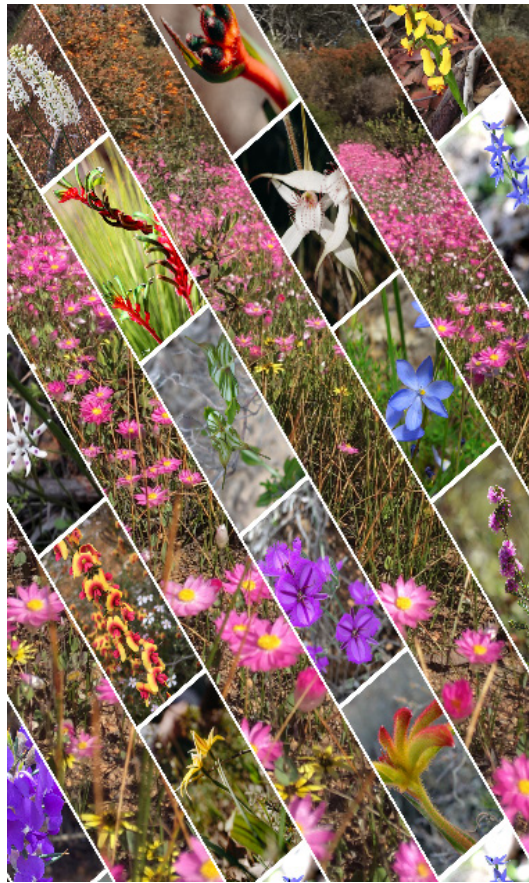
4/6/21

Date

Coordinator

Strategic Community Plan

2021 - 2023



Disclaimer

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Document History and Status

File Ref:	File #		
Author:	Dr Shayne Silcox		
Revision	Date	Revision details	Reviewed by
Rev 0	April 2021	Draft document	Senior Management Group
Rev 1	June 2021	OCM 23 June 2021	Council
Rev 2			

Citation

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Shire of Toodyay: Strategic Community Plan (2021-2031)

Shire of Toodyay.

ABN 97 352 024 603

This document is available in alternate formats upon request.

The Shire of Toodyay
The 'Old Courthouse'
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

Administration: (08) 9574 9300
Assets and Services Depot: (08) 9574 9360
Community Development: (08) 9574 9390
Planning and Development: (08) 9574 9390
Rangers: (08) 9574 9370
Toodyay Public Library: (08) 9574 2323
Toodyay Visitor Centre: (08) 9574 9380
Toodyay Recreation Centre: (08) 9574 9330

Email: records@toodyay.wa.gov.au

Web: <https://www.toodyay.wa.gov.au>

Visitor Centre web: <https://www.toodyay.wa.gov.au/visit-toodyay>

Toodyay Recreation Centre web: <https://www.toodyayreccentre.com.au/>



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**We acknowledge
the Ballardong, Yued and Whadjuk Noongar people
as traditional custodians of this land.
We pay our respects to their Elders,
past, present and emerging.**





Elected Members

On behalf of Council and staff at the Shire of Toodyay, I am pleased to present our Strategic Community Plan, for Toodyay to 2031. The Strategic Community Plan is the overarching planning document that guides Council's strategic priorities and directions over the next 5 -10 years towards a stronger future.

This plan meets the legislated requirements of the Integrated Planning and Reporting Framework (IPR), but more importantly, it involves our residents in their Shire's decision making about our future.

The plan has been developed through comprehensive engagement that reached out to our community through forums, discussions, surveys, staff and elected member workshops, giving a response rate of some 10% from our ratepayer base of just over 3,200 people. As key respondents, you have informed us of your aspirations and the priority areas for achievements over the next strategic period.

We do this as the Shire wishes to combine in one place the things to which our community aspires, a place where human activities enhance rather than degrade our natural environment. Where social diversity and history is a source of strength, where culture and wellbeing are enriched and where the quality of the built environment instils pride in us all, and our community is involved in the destiny of their community.

We have heard that you want to retain the rural feel and sense of community in the Shire and special natural environment and heritage retained. To meet our vision of a vibrant, rural community that celebrates our past and embraces a sustainable future, you want better financial sustainability, more support for local businesses and jobs, increased transparency and accountability from Council, improved facilities and road maintenance. In particular to have emphasis placed on services and facilities for our growing senior community, retaining youth in the District and better medical facilities.

This Strategic Community Plan will be delivered through a four-year Corporate Business Plan coupled with an Annual Budget and a series of Informing Strategies. We look forward to working with all members of our community to achieve our vision.

Cr Rosemary Madacsi

[Shire President](#)



Shire President
Cr Rosemary
Madacsi



Deputy Shire President
Cr Beth Ruthven



Cr Ben Bell



Cr Therese Chitty



Cr Phil Hart



Cr Mick McKeown



Cr Sue Pearce



Cr Brian Rayner



Vision, Purpose and Values

The vision, purpose and values of Toodyay have been articulated to reflect how we see ourselves as a community and provide the foundations for our strategic direction for the next 10 years.

Vision: *We are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.*

Purpose: *Local Government and community working together to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.*

Community Values: *We value highly:*

- *Our sense of community support and spirit;*
- *Our natural environment and healthy ecosystems;*
- *Our rural lifestyle;*
- *Our historic town; and*
- *Our local economy built on agriculture and emerging tourism, arts, and cultural opportunities.*

Shire Values: *To progress the community's aspirations, the Shire is guided by:*

Integrity: *We behave honestly to the highest ethical standard.*

Accountability: *We are transparent in our actions and accountable to the community.*

Inclusiveness: *We are responsive to the community and we encourage involvement by all people.*

Commitment: *We translate our plans into actions and demonstrate the persistence that produces results.*

Our Strategic Community Plan clearly outlines community priority areas within the planning period from 2021 to 2031 with a focus on the next four years. Our priority areas are contained in five Key Result Areas: Social, Economic, Natural Environment, Built Environment and Governance. Within each KRA, the following elements give the overall blueprint for the Shire of Toodyay:

Strategic Outcome: *What does the end result look like?*

Objective: *What do we want to strive for as a community? How will we get there?*

Measures: *How do we know we are on track?*



About Toodyay

Founded in 1836 a pleasant one hour's drive north east of Perth (85km), Toodyay is nestled in the rolling hills of the picturesque Avon Valley region. Considered the gateway to the Avon Valley, Toodyay radiates a rustic charm and ambience, with a unique valley backdrop and the Avon River flowing through the centre of town. Toodyay was classified as a Historic Town in 1980 by the National Trust and boasts some of the finest examples of 19th century architecture. This quaint country town offers an array of specialty shops, wineries, eateries, artisans and historical places of interest.

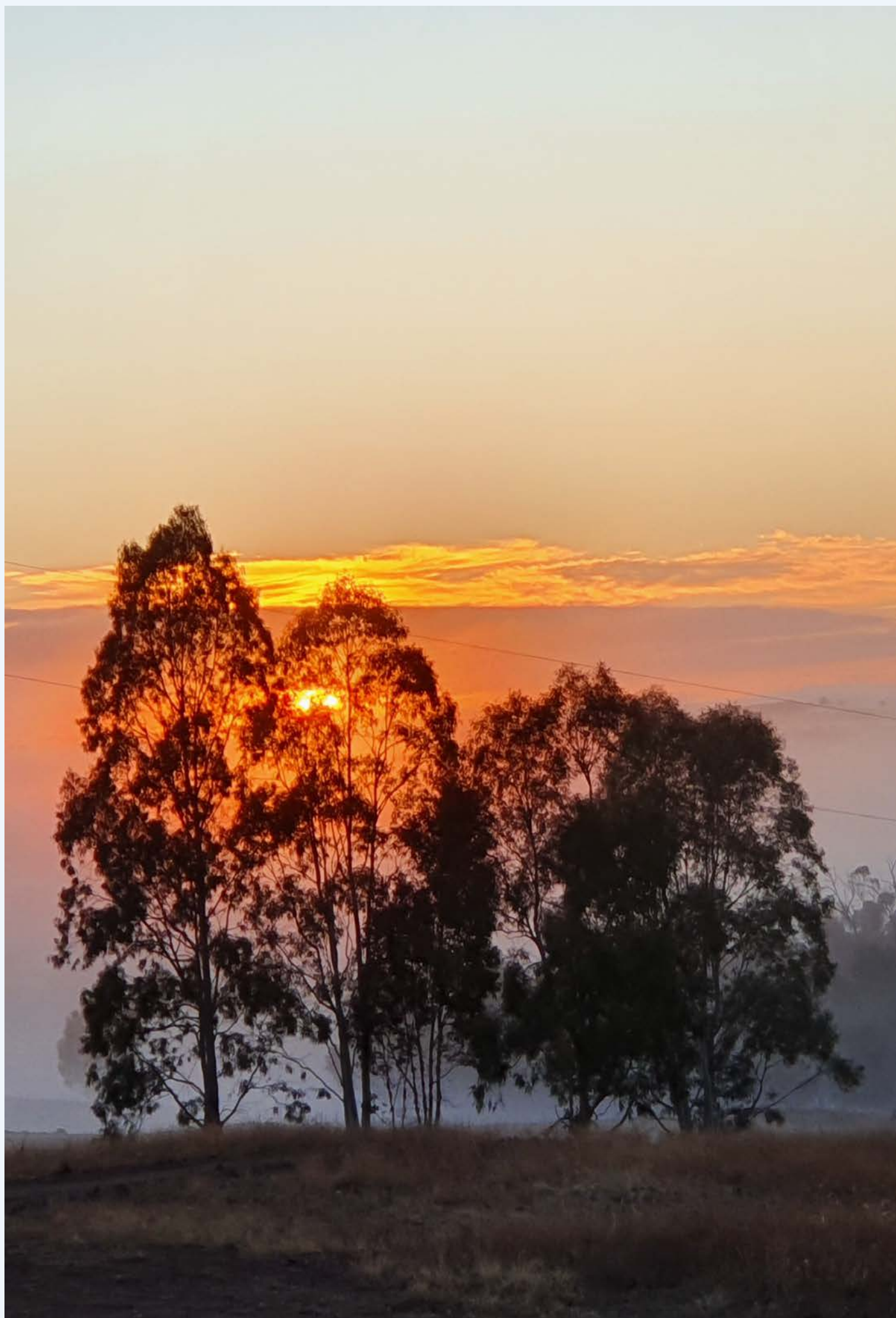
Toodyay covers an area of 1,692 square kilometres and adjoins the City of Swan and the Shire of Mundaring to the south, the Shires of Northam and Goomalling to the east, the Shire of Victoria Plains to the north and the Shire of Chittering to the west.



Statistics			
Distance from Perth	85 km	Total area	1,692 square km
Length of sealed roads	347 km	Length of unsealed roads	310 km
Total population	4,458*	Number of electors	3,341
Male population	2,243*	Female population	2,215*
Median age (males)	52.8*	Median age (females)	52.1*
Persons per square km	2.6	Persons of working age	2,686*
Number of jobs	2,327	Number of businesses	387
Number of dwellings	2,294	Median house price	\$350,000
Total rates levied	\$6,557,996**	Total operating revenue	\$10,894,093**

Source: *Australian Bureau of Statistics Estimated Resident Population 30 June 2019

**Shire of Toodyay Audited Financial Statements 2019/2020





Integrated Planning and Reporting

In 2011 the Western Australian State Government introduced legislation requiring local governments to prepare an Integrated Planning and Reporting Framework. The Framework requires the development of a 'Plan for the Future', comprising a ten-year Strategic Community Plan, a four-year Corporate Business Plan and supporting resource plans.

As part of the integrated planning process local governments are required to consult with their communities to develop a long-term vision, examine the demographic, social, environmental, and economic trends shaping the future of their area and align their activities and resources to address the community's aspirations expressed in this vision. Measurement, assessment, and reporting are also logically part of the Framework, enabling continuous improvement and ultimately supporting progress towards the community's vision and objectives.



The **Strategic Community Plan** sets out the vision and aspirations of the community and is the principal strategy and planning document.



The **Corporate Business Plan** summarises the current and future resources required to deliver the services and programs in order to implement the Strategic Community Plan and is supported by informing strategies that are fully aligned including area specific plans for each business unit.



Annual Budgets allocate the funds required to source and deliver the aspirations outlined in the Strategic Community Plan and the commitments in the Corporate Business Plan and informing strategies.



Community Engagement and Participation

In order to develop our Strategic Community Plan, we sought the views of as many members of the community as possible.

The Shire undertook a range of community forums using different survey mechanisms. A total of 200 community stakeholder groups were contacted, of which 14 replied and sent members to the forums as representatives, approximately 70 people attended the forums and workshops. 354 completed surveys were received.

Stakeholders qualitative questions were asked as follows:

- What are your perceptions of how the Shire performs?
- What do you feel is our role? What things should be reflected in our Shire Plans?
- Overall, how would you rate the Shire in meeting its community and statutory requirements? Comments.
- When thinking about Shire's Built Environment/our Buildings, roads, and transport, what are the top 3 things the Shire and the community need to focus on?
- When thinking about Shire's Economic Development/Business and jobs in the community, what are the top 3 things the Shire and the community need to focus on?
- When thinking about Shire's Environment/the natural environment in which we live, what are the top 3 things the Shire and the community need to focus on?
- When thinking about how the Shire is governed/ the way the Shire operates, what are the top 3 things the Shire and the community need to focus on?
- When thinking about the Toodyay society/our community, wellbeing and who we are, what are the top 3 things the Shire and the community need to focus on?
- Are you well informed as to what is happening in the Shire? What information would you like from us on an ongoing basis?
- If you could make one change in our Shire, what would it be?

Platform	Location
Staff Workshops	Memorial Hall
Community Focus Group Workshops	Memorial Hall
Elected Member and Senior Staff Workshop	Council Chambers
Triple M Radio	Interview
Shire's Library, Visitor Centre and Administration	Hard Copy
Shire's Website and Social Media platforms	Online
Toodyay Farmers Markets	Hard Copy
Toodyay Community Newsletter	Hard Copy and Online

See Appendix 3 for a detailed outline of responses received to each question



What You Told Us

The following provides a broad overview of the findings of the community's desires, aspirations and needs.

- Access to the natural environment and living in a semi - regional area.
- A lifestyle that gives us a sense of freedom and wellbeing.
- Living in a peaceful, tranquil location.
- Country feel.
- Proximity to the city.
- Friendly inclusive place to live.
- Love the heritage and character of the area.
- Access to everything is easy.
- The Avon Valley views.
- Safe place to live.

You told us what
you love about the
Shire

You told us what
could be improved

- Lack of medical facilities and a consistent local doctor.
- Lack of local jobs.
- Lack of local education and traineeships.
- Transport is poor and a community bus would be nice.
- More consultation.
- More support to local businesses.
- Less building restrictions.
- Better communication.
- More transparency and accountability in decision making.
- Elected Members not focused on the community and infighting.
- Lack of focus on youth engagement.
- Financial sustainability of the Shire.



If you could make *one change*...

Social - Our community, our wellbeing and who we are.

Survey responses show that medical services across several areas (mental health, permanent doctor, additional medical services, and aged care facilities) was prominent. Further, more community events and social gatherings supported with the addition of a community bus, as well as better provision of bike paths in and around Toodyay for both local transportation and leisure would be appreciated.

Advertising of social gatherings and events is required to help facilitate the community coming together is also a desired outcome to enhance community spirit. Community events outside of the town center in outlying suburbs was requested.

Governance - The way the Shire operates.

Survey responses indicate a focus on Councillors working together and being open, transparent, and accountable as well as improved communications were prominent issues - Councillors understanding and discharging their duties; Councillors more committed to a role of representing the community; more transparency and accountability; more face-to-face meetings; adhere to good governance practices; be proactive rather than reactive.

Built Environment - Our buildings, roads, and transport.

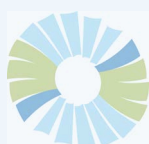
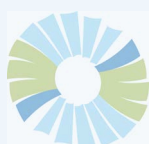
The Built Environment was explored and common statements like roads and verges need upgrading ASAP; road maintenance is poor; seal more gravel roads; need better public transport; improved pathways and management of the Shire's heritage. Also, maintaining the stormwater systems and drainage was identified.

Environment - The natural environment in which we live.

The environment was identified significantly in survey responses and in forums with the results clearly requesting better management and protection of the environment, with a continued presence and participation in bushfire risk management planning. Also, management of the river system; more walking and biking tracks; weed control; tree planting and more sustainable practices were identified issues.

Economic Development - Business and jobs in the community.

Business and jobs in the community was identified as a major concern in creating local jobs, especially for the youth in the district. Citizens desired more assistance in small business development and attraction. Also, for the Shire to seek the reduction in red tape to eliminate barriers to small business development so as to create more jobs. Additionally, requests were made for better advertising of the District and promotion as a place to visit.





Resourcing the Plan

The Shire's Health Indicator Score shown on the My Council website indicates that the:

- Asset Sustainability ratio (ASR), which is a measure of the extent to which assets managed by Toodyay are being replaced as they reach the end of their useful life is an important issue to address.
- The Operating Surplus Ratio (OSR), which is a measure of Toodyay's ability to cover its operational costs and have money left for capital projects and other purposes is the driver of these results and the reason for current performance in the ASR is caused by the lack of operating surplus. For the Shire to meet its obligations to the community it will need to monitor these indicators by seeking to increase revenue and reduce operational costs and have been included in the objective measures of success.

Therefore the Shire's Long Term Financial Plan is currently being reviewed to ensure the Shire's on-going sustainability while endeavouring to meet the community's aspirations.





Decision-making considerations

In order to ensure a consistent and balanced approach, the criteria below are used by staff and Council in the management of decision-making within the Shire.

Category	Considerations
Strategic Direction	Does it fit with our strategic direction as outlined in the Community and Corporate Strategic Plans?
Social Sustainability	What does the community think, and is the decision in the best interests of all the people in the District? Is there equitable distribution of benefits across the community?
Environmental Sustainability	Does the decision protect the regional amenity and ensure minimum impacts on the environment?
Economic Sustainability	How does the decision fit with the Long-Term Financial Plan?
Governance Sustainability	Are we governing well on behalf of the community and does it meet our risk tolerance level?

The outcomes of the community planning engagement saw the desires and aspirations of the residents across the quadruple bottom line dimensions. Consideration was also given to external factors affecting decision-making.

Climate Change: Current trends indicate that the climate in the south west of Western Australia will be hotter and drier. This means the Shire will have to adapt to the changes by protecting fragile habitats, conserving water, and designing new buildings that conserve scarce resources. Unfortunately, we see these impacts every day with the threat of fire, drought, and floods.

Community Expectations: Communities want to be more involved with government decision making about what, where and how services should be delivered, coupled with this is ever-increasing customer service expectations.

The Shire will need to maintain its reputation as a high performing local government dedicated to continuous improvement and continue to engage, change, adapt and work with the community to address these expectations.

Declining Resources: Local governments continue to face growing demands for their services. With resources required to meet these demands potentially reducing, or at least not keeping up with population growth in the Shire in the future.

The Shire will therefore need to become more efficient, innovative, and creative in how we deliver much needed services. It must become more adept at working with others to secure resources and obtain support for our priorities.

Demographic Change: The valued regional and rural nature of Toodyay is a key factor in who comes to live here. The Shire will need to seek ways to improve economic development, tourism and residency. The Shire will require astute financial planning and possible rationalisation of unused assets.



Theme 1 - Social Development

Theme 1: Social Development—the social aspect of our community, our wellbeing and who we are.

Survey responses show that medical services across several areas (mental health, permanent doctor, additional medical services, and aged care facilities) was prominent. Further, more community events and social gatherings supported with the addition of a community bus, as well as better provision of bike paths in and around Toodyay for both local transportation and leisure would be appreciated.

Advertising of social gatherings and events to help facilitate the community coming together is also a desired outcome. Community events outside of the town center in outlying suburbs was requested.

Objective 1: Services Meet Community Needs

Strategy	Our measure of Success
S1: Lobby and partner with health providers for quality medical services and support services. S2: Support sporting groups, community groups and events. S3: Facilitate community events within the town center and outlying suburbs. S4: Advocate for improved aged care facilities. S5: Seek ways to improve youth engagement and retention. S6: Advocate for improved local educational opportunities. S7: Provide and maintain recreational facilities.	<ul style="list-style-type: none"> Community Wellbeing Score

Objective 2: A Safe Community

Strategy	Our measure of Success
S1: Facilitate and advocate for innovative safety initiatives. S2: Collaborate and coordinate with regional colleagues to provide fire and emergency services.	<ul style="list-style-type: none"> Community Satisfaction Score





Theme 2 - Governance

Theme 2: Governance—the way the Shire operates.

Survey responses indicate a focus on Councillors working together and being open, transparent, and accountable as well as improved communications were prominent issues - Councillors understanding and discharging their duties; Councillors more committed to a role of representing the community; more transparency and accountability; more face-to-face meetings; adherence to good governance practices; be proactive rather than reactive.

Objective 1: Accountable Leadership to the Community

Strategy	Our measure of Success
S1: The Strategic Community Plan is a driver for annual future budgets, organizational performance, and addressing community needs. S2: Implement a Governance Framework to guide Council performance. S3: Provide clear, informed and engaged leadership and decision making on behalf of the community. S4: Ensure transparent and accountable communication and engagement. S5: Build a positive organisational culture supporting and focused on community needs.	<ul style="list-style-type: none"> • Community Wellbeing Score • Operating Surplus Ratio • Current Ratio • Unqualified Audit Reports • Compliance Audit Return

Objective 2: Rigorous Organisational Systems

Strategy	Our measure of Success
S1: Ensure organisational systems are maintained to meet legislative requirements. S2: Maintain long-term financial and resourcing plans to ensure the Shire is sustainable. S3: Develop, report and monitor metrics on community wellbeing, community satisfaction and value for money. S4: Maintain and implement a Customer Service Charter.	<ul style="list-style-type: none"> • Community Satisfaction Score • Own Source Revenue Coverage Ratio • Debt Service Cover • Actual vs Budget Performance



Theme 3 - Natural Environment

Theme 3: Where We Live—our natural environment.

Our environment was identified significantly in responses with the results clearly requesting better management and protection of the environment, with a continued presence and participation in bushfire risk management planning. Also, management of the river system; more walking and biking tracks; weed control; tree planting and more sustainable practices were identified issues.

Objective 1: Preserve and Protect the Natural Environment	
Strategy	Our measure of Success
S1: Support and advocate for the mitigation of adverse environmental impacts to biodiversity and natural ecosystems in the Shire. S2: Advocate for and support strategies to protect the river system and riparian vegetation. S3: Seek opportunities to develop walk, bike and bridle trails to improve access to the natural environment. S4: Improve streetscapes through increased tree plantings.	<ul style="list-style-type: none"> • Total Shire Energy Consumption (KWH) • Number of trees planted
Objective 2: Sustainable Operating Practices	
Strategy	Our measure of Success
S1: Seek opportunities to improve the Shire's sustainable building stock to reduce operational costs and the Shire's environmental and carbon footprint. S2: Implement the Environmental Management Strategy consistent. S3: Seek methods to minimise and reduce waste and improve recycling. S4: Support planning and building policy development that conserves and protects the natural environment.	<ul style="list-style-type: none"> • Waste delivered to landfill in Tonnes • ISO 14001 Accreditation



Theme 4 - Built Environment

Theme 4: Our Built Environment—buildings, roads and transport.

The Built Environment was explored and common statements like roads and verges need upgrading ASAP; road maintenance is poor; seal more gravel roads; need better public transport; improved pathways and management of the Shire's heritage. Also, maintaining the stormwater and drainage systems was identified.

Objective 1: Safe and sustainable transport options

Strategy	Our measure of Success
S1: Apply metrics to local road upgrades and maintenance to ensure best value for money. S2: Invest in Local Road Infrastructure. S3: Lobby for State and Federal funding for roads and drainage upgrades. S4: Improve and maintain footpath/bike path and bridle trail networks. S5: Improve and maintain Streetscapes	<ul style="list-style-type: none"> • Asset Sustainability Ratio • Asset Renewal Ratio • Community Satisfaction

Objective 2: The Built Environment meets community needs

Strategy	Our measure of Success
S1: Maintain our Heritage buildings. S2: Seek opportunities to rationalise the Shire's building stock to reduce ongoing costs. S3: Maintain our parks, gardens, and public spaces. S4: Seek opportunities to improve facilities for seniors and youth. S5: Further investigate options for a sustainable community bus service.	<ul style="list-style-type: none"> • Asset Sustainability Ratio • Income from Assets (ROA)



Theme 5 - Economic Development

Theme 5: Economic Development—businesses and jobs in the community.

Business and jobs in the community were identified as major concerns especially for the youth in the district. The community desired more assistance in small business development and attraction. Also, for the Shire to seek a reduction in red tape in eliminating barriers to small business development so as to create more jobs. Additionally, requests were made for better advertising of the District and promotion as a place to live and visit.

Objective 1: Encourage Economic Growth and Diversification

Strategy	Our measure of Success
S1: Promote sustainable development in keeping with the rural character. S2: Seek ways to collaborate with developers and the community to reduce planning and building red tape. S3: Advocate for and seek opportunities to support and grow new and existing local businesses. S4: Promote the Shire as a place to live, work and recreate. S5: Develop, implement and monitor a local business satisfaction index	<ul style="list-style-type: none"> • Growth in local employment • Growth in tourism visitations

Objective 2: Encourage Tourism

Strategy	Our measure of Success
S1: Develop long term successful and collaborative partnerships that support tourism. S2: Promote the Shire as a tourism destination. S3: Investigate incentives for businesses that create tourism and local jobs within the Shire.	<ul style="list-style-type: none"> • New business start ups • Business satisfaction survey



Communicating our progress

The Strategic Community Plan is reviewed biennially, with a major review every four years, and as part of this process the Shire will measure, monitor, and report on progress.

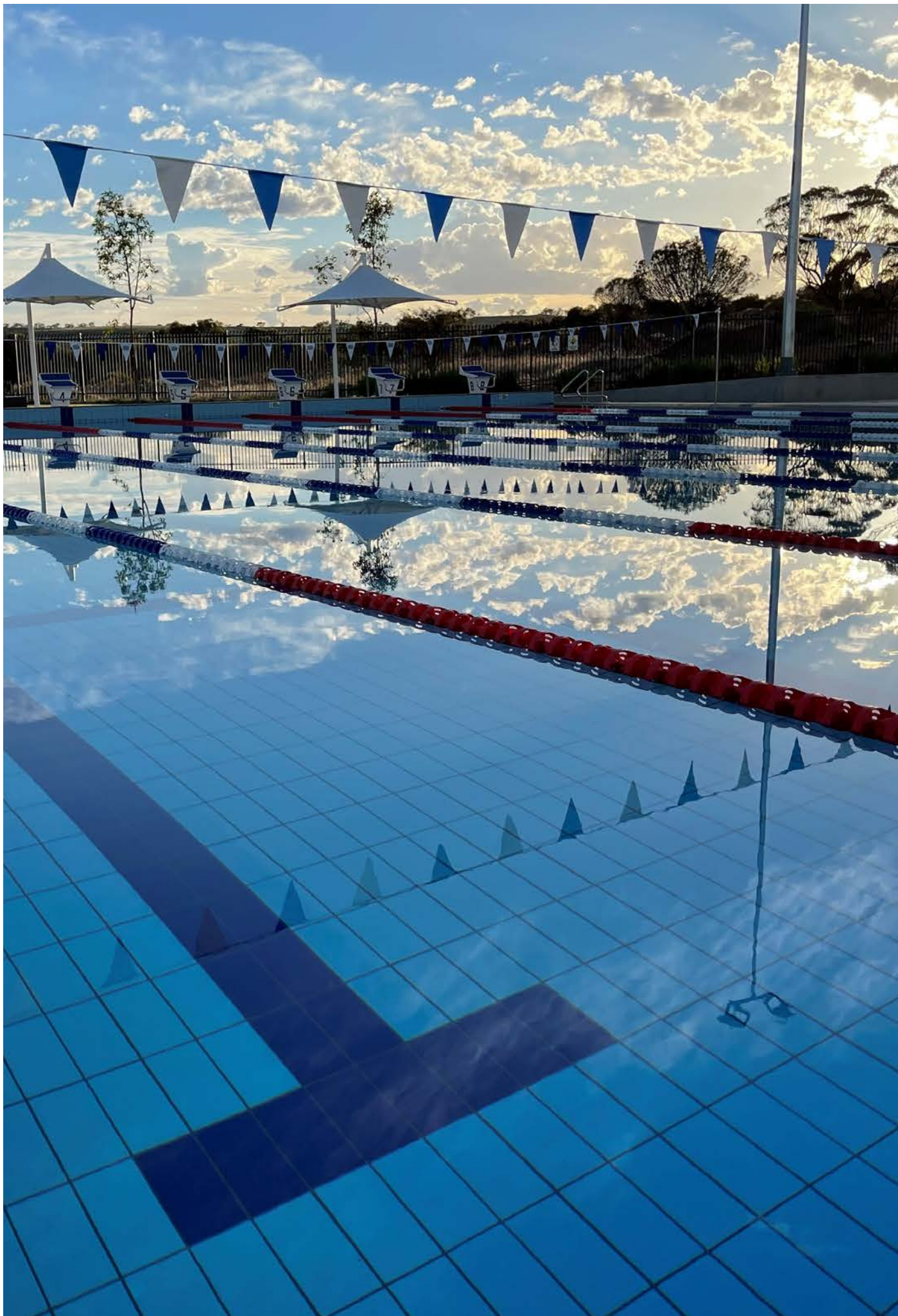
As part of further embedding the Integrated Planning and Reporting Framework within the organisational culture, a process of reviewing internal and external communication and reporting processes will be ongoing to identify the most efficient and effective mechanisms to achieve this. However, as a minimum the following monitoring and reporting approaches will be adopted:

- Outcomes reported annually via the Shire of Toodyay's Annual Report.
- Production of an updated Strategic Community Plan available via the Shire's website and in hard copy on request.
- Regular production of a report card outlining achievements against the Strategic Community Plan in an easy-to-read and engaging format.
- Regular updates in the local newspaper by the Shire President of achievements, progress against capital works and community issues.
- Intermittent updates the Shire's website and social media platforms.



In measuring the success of the Strategic Community Plan, as outlined earlier, respondents suggested the following indicators for consideration:

- Community contentment, wellbeing, and happiness.
- Our ability to reduce bushfire risks.
- Population growth.
- Number of registered businesses and the number of new houses built.
- Number of local jobs advertised and/or created.
- Response time to customer queries.
- Tree cover in Shire.
- Better management of finance and budget vs actual – reasons for variations
- Evidence of community input into Council decisions.
- Community satisfaction.



Appendix A

Shire of Toodyay Survey Instrument





Shire of Toodyay Community Engagement Survey



The Shire of Toodyay once again invites you to complete the community Engagement Survey and 'Have your Say' so you can get involved and help set the direction of the Shire for the next 10 years, this way we can better meet your future needs.

The survey is being conducted by the Shire of Toodyay. Responses will remain confidential in accordance with the Privacy Act and Australian Privacy Principles. Ratepayers and residents aged 18 years or older are invited to complete the Survey. Please submit one response per person via the following options:

Online (preferred) at <https://www.surveymonkey.com/r/DRQRPJL>

You can drop your survey off in person at: Shire Administration, Toodyay Visitor Centre or Toodyay Library

Email: records@toodyay.wa.gov.au

Please submit one response per person by 4.00pm Friday, 19 March 2021.

Be in the with a chance to win a free season pass to the Pool by including your phone number with this survey:

Phone Number: _____

"The Shire's key guiding document, the Strategic Community Plan 2028 is due for review and your opinions are needed. Everything the Shire does is informed by this Plan. If we are to build the community we want, weather future stresses, and have a place we can enjoy and afford to live in, we need everyone's input, so, please take the time to answer the survey questions. We need to know. Thank you." Cr Rosemary Madacsi, Shire President

If you have any questions about this survey, we invite you to contact the Shire of Toodyay on 9574 9300 or by email via records@toodyay.wa.gov.au.

By completing this survey you are giving us important information which we can use to turn your visions into reality.

Your gender: Male ☐ ₁ Female ☐ ₂ Other ☐ ₃

Your age: 18-24 ☐ ₁ 25-34 ☐ ₂ 35-44 ☐ ₃ 45-54 ☐ ₄ 55-64 ☐ ₅ 65+ ☐ ₆

Do you have any children living in your household aged: 0-5 years ☐ ₁ 6-12 years ☐ ₂ 13-17 years ☐ ₃ 18+ years ☐ ₄ No children ☐ ₅

Are you, or anyone living in your household, an employee or Elected Member at the Shire of Toodyay? Yes ☐ ₁ No ☐ ₂

Which suburb do you live in?

<input type="radio"/> ₁ Toodyay	<input type="radio"/> ₅ Culham	<input type="radio"/> ₉ Julimar	<input type="radio"/> ₁₃ Nunile
<input type="radio"/> ₂ Bailup	<input type="radio"/> ₆ Dewars Pool	<input type="radio"/> ₁₀ Moondyne	<input type="radio"/> ₁₄ Wattening
<input type="radio"/> ₃ Bejoording	<input type="radio"/> ₇ Dumbarton	<input type="radio"/> ₁₁ Morangup	<input type="radio"/> ₁₅ West Toodyay
<input type="radio"/> ₄ Coondle	<input type="radio"/> ₈ Hoddys Well	<input type="radio"/> ₁₂ Nardie	
<input type="radio"/> ₁₆ Other	Please Specify:		



Q1. Overall, how would you rate the Shire of Toodyay in the following areas?

	Very Poor	Poor	Okay	Good	Excellent
The Shire of Toodyay as a place to live	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
The Shire of Toodyay as the organisation that governs the local District	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
Value for money from Council rates	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5

Q2. Overall how satisfied are you with the Shire operations and provision of services? Please give a rating out of 10, where 0 is not at all likely and 10 is extremely likely.

Not at all likely										Extremely likely
0	1	2	3	4	5	6	7	8	9	10

Q3. Please rank your preferred method of communication with the Shire: 1 being the most preferred and 4 the least preferred.

Communications	Ranking 1 - 4
Monthly Toodyay Community Newsletter publication	
Shire's eNews – electronic version of the Toodyay Community Newsletter	
Shire's website (toodyay.wa.gov.au)	
Shire's Social media presence	

Q4. The Shire of Toodyay works in partnership with State Government, private organisations and people in the local community to meet a range of community needs. It is also a direct provider of many services and facilities.

How would you rate performance in the following areas?

	Governance	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1	The Shire has developed and communicated a clear vision for the District	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
2	Elected Members have a good understanding of community needs	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
3	Staff have a good understanding of community needs	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
4	The Shire clearly explains the reasons for its decisions and how residents' views have been taken into account	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
5	The Shire is progressive, innovative and forward thinking	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5



Community Services		Very Poor	Poor	Okay	Good	Excellent
6	Services and facilities for youth, families, seniors and people with a disability	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
7	Sporting facilities	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
8	Playgrounds, parks and reserves	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
9	Library services	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
10	Visitor Centre	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
11	Festivals, events, art and cultural activities	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
12	How local history and heritage is preserved and promoted	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
13	Safety, security and emergency response	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
14	Access to public transport	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅

Built Environment		Very Poor	Poor	Okay	Good	Excellent
15	Planning and building approvals	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
16	Building and maintaining local roads	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
17	Streetscapes, footpaths and street sweeping	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
18	Lighting of streets and public places	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
19	Condition of community buildings, halls and toilets	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅

Environment		Very Poor	Poor	Okay	Good	Excellent
20	Efforts to promote and adopt sustainable practices	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
21	Conservation and environmental management	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
22	Weekly rubbish collections	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
23	Recycling collections	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
24	Toodyay Transfer Station	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
25	Natural disaster education, prevention and relief (for bushfires, flooding, cyclones, etc)	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
26	Animal and pest control	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅

Economic Development		Very Poor	Poor	Okay	Good	Excellent
27	What the Shire is doing to attract and retain businesses, grow tourism and create more job opportunities	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅



IMPORTANT RATEPAYER INFORMATION



Complete the survey and win a free season pass to the pool – there are 3 to be won – **be in it to win it!!**



Q5. Overall, if you could make ONE change to improve the Shire of Toodyay in each of the following 5 focus areas, what would it be?

Social – our community, our wellbeing and who we are _____

Governance – the way the Shire operates _____

Environment – the natural environment in which we live _____

Built Environment – our buildings, roads and transport _____

Economic Development – business and jobs in the community _____

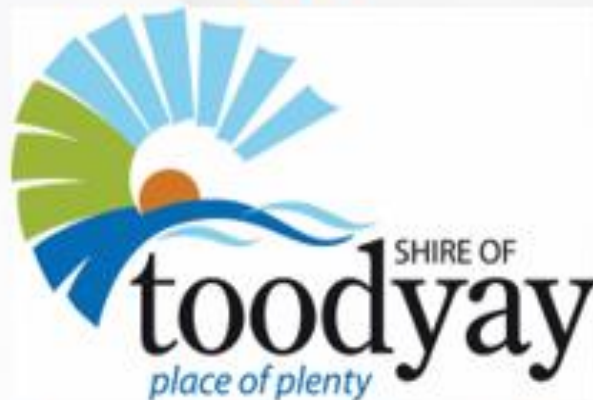
THANK YOU FOR COMPLETING THIS SURVEY

Appendix B

Community Forum Survey



Shire of Toodyay Community and Corporate Business Planning 2021



Community Forum - Question Pack.

Prepared for: Shire of Toodyay

Organisation/Community Group:

People participating:

-
-
-
-
-
-

The community "Having a say in the future of our Shire."

COMMUNITY FORUM INTERVIEW PACK

Question Four

"When thinking about the Shires Built Environment | Our Buildings, roads and transport, what are the top three things the Shire and the community need to focus on?"

Area for handwritten responses to Question Four.

Question Five

"When thinking about the Shires Economic Development | Business and jobs in the community, what are the top three things the Shire and the community need to focus on?"

Area for handwritten responses to Question Five.

“When thinking about the Toodyay society | Our community, wellbeing and who we are, what are the top three things the Toodyay community and the Shire need to focus on?”

1월 1일 1월 2일 1월 3일 1월 4일 1월 5일 1월 6일 1월 7일 1월 8일 1월 9일 1월 10일 1월 11일 1월 12일 1월 13일 1월 14일 1월 15일 1월 16일 1월 17일 1월 18일 1월 19일 1월 20일 1월 21일 1월 22일 1월 23일 1월 24일 1월 25일 1월 26일 1월 27일 1월 28일 1월 29일 1월 30일 1월 31일
 2월 1일 2월 2일 2월 3일 2월 4일 2월 5일 2월 6일 2월 7일 2월 8일 2월 9일 2월 10일 2월 11일 2월 12일 2월 13일 2월 14일 2월 15일 2월 16일 2월 17일 2월 18일 2월 19일 2월 20일 2월 21일 2월 22일 2월 23일 2월 24일 2월 25일 2월 26일 2월 27일 2월 28일 2월 29일 2월 30일
 3월 1일 3월 2일 3월 3일 3월 4일 3월 5일 3월 6일 3월 7일 3월 8일 3월 9일 3월 10일 3월 11일 3월 12일 3월 13일 3월 14일 3월 15일 3월 16일 3월 17일 3월 18일 3월 19일 3월 20일 3월 21일 3월 22일 3월 23일 3월 24일 3월 25일 3월 26일 3월 27일 3월 28일 3월 29일 3월 30일 3월 31일
 4월 1일 4월 2일 4월 3일 4월 4일 4월 5일 4월 6일 4월 7일 4월 8일 4월 9일 4월 10일 4월 11일 4월 12일 4월 13일 4월 14일 4월 15일 4월 16일 4월 17일 4월 18일 4월 19일 4월 20일 4월 21일 4월 22일 4월 23일 4월 24일 4월 25일 4월 26일 4월 27일 4월 28일 4월 29일 4월 30일
 5월 1일 5월 2일 5월 3일 5월 4일 5월 5일 5월 6일 5월 7일 5월 8일 5월 9일 5월 10일 5월 11일 5월 12일 5월 13일 5월 14일 5월 15일 5월 16일 5월 17일 5월 18일 5월 19일 5월 20일 5월 21일 5월 22일 5월 23일 5월 24일 5월 25일 5월 26일 5월 27일 5월 28일 5월 29일 5월 30일 5월 31일
 6월 1일 6월 2일 6월 3일 6월 4일 6월 5일 6월 6일 6월 7일 6월 8일 6월 9일 6월 10일 6월 11일 6월 12일 6월 13일 6월 14일 6월 15일 6월 16일 6월 17일 6월 18일 6월 19일 6월 20일 6월 21일 6월 22일 6월 23일 6월 24일 6월 25일 6월 26일 6월 27일 6월 28일 6월 29일 6월 30일
 7월 1일 7월 2일 7월 3일 7월 4일 7월 5일 7월 6일 7월 7일 7월 8일 7월 9일 7월 10일 7월 11일 7월 12일 7월 13일 7월 14일 7월 15일 7월 16일 7월 17일 7월 18일 7월 19일 7월 20일 7월 21일 7월 22일 7월 23일 7월 24일 7월 25일 7월 26일 7월 27일 7월 28일 7월 29일 7월 30일 7월 31일
 8월 1일 8월 2일 8월 3일 8월 4일 8월 5일 8월 6일 8월 7일 8월 8일 8월 9일 8월 10일 8월 11일 8월 12일 8월 13일 8월 14일 8월 15일 8월 16일 8월 17일 8월 18일 8월 19일 8월 20일 8월 21일 8월 22일 8월 23일 8월 24일 8월 25일 8월 26일 8월 27일 8월 28일 8월 29일 8월 30일 8월 31일
 9월 1일 9월 2일 9월 3일 9월 4일 9월 5일 9월 6일 9월 7일 9월 8일 9월 9일 9월 10일 9월 11일 9월 12일 9월 13일 9월 14일 9월 15일 9월 16일 9월 17일 9월 18일 9월 19일 9월 20일 9월 21일 9월 22일 9월 23일 9월 24일 9월 25일 9월 26일 9월 27일 9월 28일 9월 29일 9월 30일
 10월 1일 10월 2일 10월 3일 10월 4일 10월 5일 10월 6일 10월 7일 10월 8일 10월 9일 10월 10일 10월 11일 10월 12일 10월 13일 10월 14일 10월 15일 10월 16일 10월 17일 10월 18일 10월 19일 10월 20일 10월 21일 10월 22일 10월 23일 10월 24일 10월 25일 10월 26일 10월 27일 10월 28일 10월 29일 10월 30일 10월 31일
 11월 1일 11월 2일 11월 3일 11월 4일 11월 5일 11월 6일 11월 7일 11월 8일 11월 9일 11월 10일 11월 11일 11월 12일 11월 13일 11월 14일 11월 15일 11월 16일 11월 17일 11월 18일 11월 19일 11월 20일 11월 21일 11월 22일 11월 23일 11월 24일 11월 25일 11월 26일 11월 27일 11월 28일 11월 29일 11월 30일
 12월 1일 12월 2일 12월 3일 12월 4일 12월 5일 12월 6일 12월 7일 12월 8일 12월 9일 12월 10일 12월 11일 12월 12일 12월 13일 12월 14일 12월 15일 12월 16일 12월 17일 12월 18일 12월 19일 12월 20일 12월 21일 12월 22일 12월 23일 12월 24일 12월 25일 12월 26일 12월 27일 12월 28일 12월 29일 12월 30일 12월 31일

[illegible]

If you could make one change in our Shire what would it be?

1월 1일, 1월 2일, 1월 3일, 1월 4일, 1월 5일, 1월 6일, 1월 7일, 1월 8일, 1월 9일, 1월 10일, 1월 11일, 1월 12일, 1월 13일, 1월 14일, 1월 15일, 1월 16일, 1월 17일, 1월 18일, 1월 19일, 1월 20일, 1월 21일, 1월 22일, 1월 23일, 1월 24일, 1월 25일, 1월 26일, 1월 27일, 1월 28일, 1월 29일, 1월 30일, 1월 31일, 2월 1일, 2월 2일, 2월 3일, 2월 4일, 2월 5일, 2월 6일, 2월 7일, 2월 8일, 2월 9일, 2월 10일, 2월 11일, 2월 12일, 2월 13일, 2월 14일, 2월 15일, 2월 16일, 2월 17일, 2월 18일, 2월 19일, 2월 20일, 2월 21일, 2월 22일, 2월 23일, 2월 24일, 2월 25일, 2월 26일, 2월 27일, 2월 28일, 2월 29일, 2월 30일, 3월 1일, 3월 2일, 3월 3일, 3월 4일, 3월 5일, 3월 6일, 3월 7일, 3월 8일, 3월 9일, 3월 10일, 3월 11일, 3월 12일, 3월 13일, 3월 14일, 3월 15일, 3월 16일, 3월 17일, 3월 18일, 3월 19일, 3월 20일, 3월 21일, 3월 22일, 3월 23일, 3월 24일, 3월 25일, 3월 26일, 3월 27일, 3월 28일, 3월 29일, 3월 30일, 3월 31일, 4월 1일, 4월 2일, 4월 3일, 4월 4일, 4월 5일, 4월 6일, 4월 7일, 4월 8일, 4월 9일, 4월 10일, 4월 11일, 4월 12일, 4월 13일, 4월 14일, 4월 15일, 4월 16일, 4월 17일, 4월 18일, 4월 19일, 4월 20일, 4월 21일, 4월 22일, 4월 23일, 4월 24일, 4월 25일, 4월 26일, 4월 27일, 4월 28일, 4월 29일, 4월 30일, 4월 31일, 5월 1일, 5월 2일, 5월 3일, 5월 4일, 5월 5일, 5월 6일, 5월 7일, 5월 8일, 5월 9일, 5월 10일, 5월 11일, 5월 12일, 5월 13일, 5월 14일, 5월 15일, 5월 16일, 5월 17일, 5월 18일, 5월 19일, 5월 20일, 5월 21일, 5월 22일, 5월 23일, 5월 24일, 5월 25일, 5월 26일, 5월 27일, 5월 28일, 5월 29일, 5월 30일, 5월 31일, 6월 1일, 6월 2일, 6월 3일, 6월 4일, 6월 5일, 6월 6일, 6월 7일, 6월 8일, 6월 9일, 6월 10일, 6월 11일, 6월 12일, 6월 13일, 6월 14일, 6월 15일, 6월 16일, 6월 17일, 6월 18일, 6월 19일, 6월 20일, 6월 21일, 6월 22일, 6월 23일, 6월 24일, 6월 25일, 6월 26일, 6월 27일, 6월 28일, 6월 29일, 6월 30일, 6월 31일, 7월 1일, 7월 2일, 7월 3일, 7월 4일, 7월 5일, 7월 6일, 7월 7일, 7월 8일, 7월 9일, 7월 10일, 7월 11일, 7월 12일, 7월 13일, 7월 14일, 7월 15일, 7월 16일, 7월 17일, 7월 18일, 7월 19일, 7월 20일, 7월 21일, 7월 22일, 7월 23일, 7월 24일, 7월 25일, 7월 26일, 7월 27일, 7월 28일, 7월 29일, 7월 30일, 7월 31일, 8월 1일, 8월 2일, 8월 3일, 8월 4일, 8월 5일, 8월 6일, 8월 7일, 8월 8일, 8월 9일, 8월 10일, 8월 11일, 8월 12일, 8월 13일, 8월 14일, 8월 15일, 8월 16일, 8월 17일, 8월 18일, 8월 19일, 8월 20일, 8월 21일, 8월 22일, 8월 23일, 8월 24일, 8월 25일, 8월 26일, 8월 27일, 8월 28일, 8월 29일, 8월 30일, 8월 31일, 9월 1일, 9월 2일, 9월 3일, 9월 4일, 9월 5일, 9월 6일, 9월 7일, 9월 8일, 9월 9일, 9월 10일, 9월 11일, 9월 12일, 9월 13일, 9월 14일, 9월 15일, 9월 16일, 9월 17일, 9월 18일, 9월 19일, 9월 20일, 9월 21일, 9월 22일, 9월 23일, 9월 24일, 9월 25일, 9월 26일, 9월 27일, 9월 28일, 9월 29일, 9월 30일, 9월 31일, 10월 1일, 10월 2일, 10월 3일, 10월 4일, 10월 5일, 10월 6일, 10월 7일, 10월 8일, 10월 9일, 10월 10일, 10월 11일, 10월 12일, 10월 13일, 10월 14일, 10월 15일, 10월 16일, 10월 17일, 10월 18일, 10월 19일, 10월 20일, 10월 21일, 10월 22일, 10월 23일, 10월 24일, 10월 25일, 10월 26일, 10월 27일, 10월 28일, 10월 29일, 10월 30일, 10월 31일, 11월 1일, 11월 2일, 11월 3일, 11월 4일, 11월 5일, 11월 6일, 11월 7일, 11월 8일, 11월 9일, 11월 10일, 11월 11일, 11월 12일, 11월 13일, 11월 14일, 11월 15일, 11월 16일, 11월 17일, 11월 18일, 11월 19일, 11월 20일, 11월 21일, 11월 22일, 11월 23일, 11월 24일, 11월 25일, 11월 26일, 11월 27일, 11월 28일, 11월 29일, 11월 30일, 11월 31일, 12월 1일, 12월 2일, 12월 3일, 12월 4일, 12월 5일, 12월 6일, 12월 7일, 12월 8일, 12월 9일, 12월 10일, 12월 11일, 12월 12일, 12월 13일, 12월 14일, 12월 15일, 12월 16일, 12월 17일, 12월 18일, 12월 19일, 12월 20일, 12월 21일, 12월 22일, 12월 23일, 12월 24일, 12월 25일, 12월 26일, 12월 27일, 12월 28일, 12월 29일, 12월 30일, 12월 31일

"Is there anything else you would like to add or suggest to us for inclusion or consideration during the development of our corporate business plan?"

1월 1주목 1월2주목 1월3주목 1월4주목 1월5주목 1월6주목 1월7주목 1월8주목 1월9주목 1월10주목 1월11주목 1월12주목 1월13주목 1월14주목 1월15주목 1월16주목 1월17주목 1월18주목 1월19주목 1월20주목 1월21주목 1월22주목 1월23주목 1월24주목 1월25주목 1월26주목 1월27주목 1월28주목 1월29주목 1월30주목 1월31주목
 2월 1주목 2월2주목 2월3주목 2월4주목 2월5주목 2월6주목 2월7주목 2월8주목 2월9주목 2월10주목 2월11주목 2월12주목 2월13주목 2월14주목 2월15주목 2월16주목 2월17주목 2월18주목 2월19주목 2월20주목 2월21주목 2월22주목 2월23주목 2월24주목 2월25주목 2월26주목 2월27주목 2월28주목 2월29주목 2월30주목
 3월 1주목 3월2주목 3월3주목 3월4주목 3월5주목 3월6주목 3월7주목 3월8주목 3월9주목 3월10주목 3월11주목 3월12주목 3월13주목 3월14주목 3월15주목 3월16주목 3월17주목 3월18주목 3월19주목 3월20주목 3월21주목 3월22주목 3월23주목 3월24주목 3월25주목 3월26주목 3월27주목 3월28주목 3월29주목 3월30주목 3월31주목
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 5월 1주목 5월2주목 5월3주목 5월4주목 5월5주목 5월6주목 5월7주목 5월8주목 5월9주목 5월10주목 5월11주목 5월12주목 5월13주목 5월14주목 5월15주목 5월16주목 5월17주목 5월18주목 5월19주목 5월20주목 5월21주목 5월22주목 5월23주목 5월24주목 5월25주목 5월26주목 5월27주목 5월28주목 5월29주목 5월30주목 5월31주목
 6월 1주목 6월2주목 6월3주목 6월4주목 6월5주목 6월6주목 6월7주목 6월8주목 6월9주목 6월10주목 6월11주목 6월12주목 6월13주목 6월14주목 6월15주목 6월16주목 6월17주목 6월18주목 6월19주목 6월20주목 6월21주목 6월22주목 6월23주목 6월24주목 6월25주목 6월26주목 6월27주목 6월28주목 6월29주목 6월30주목 6월31주목
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Thank You

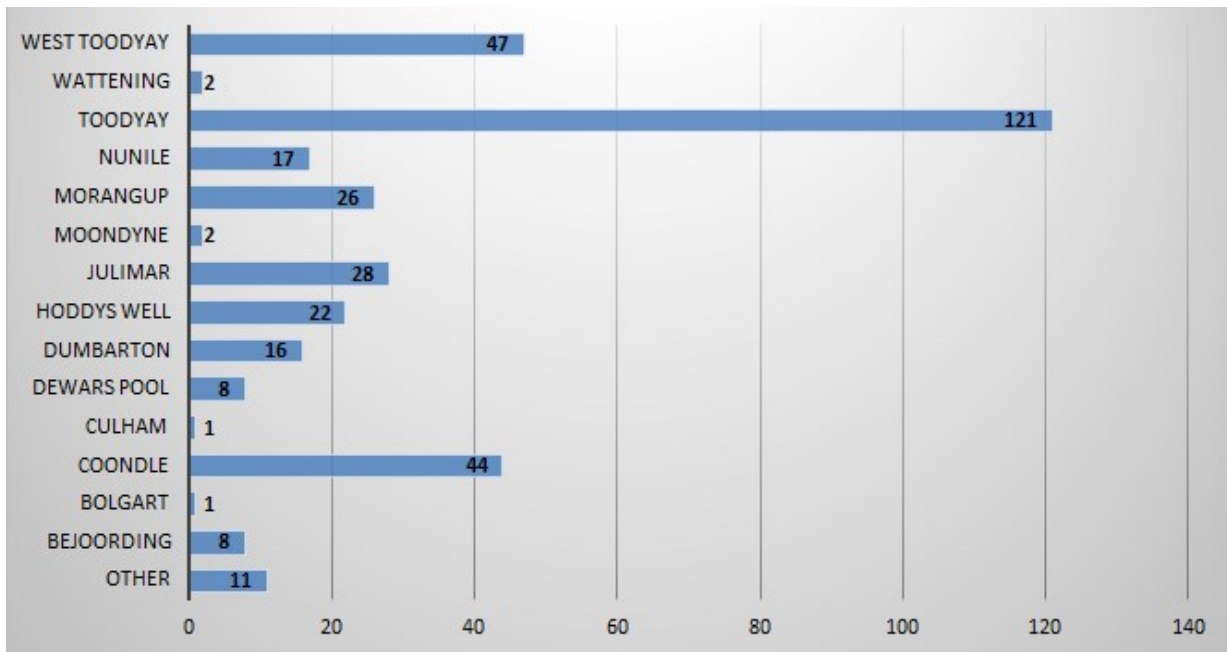
Appendix C

Detailed Survey Responses

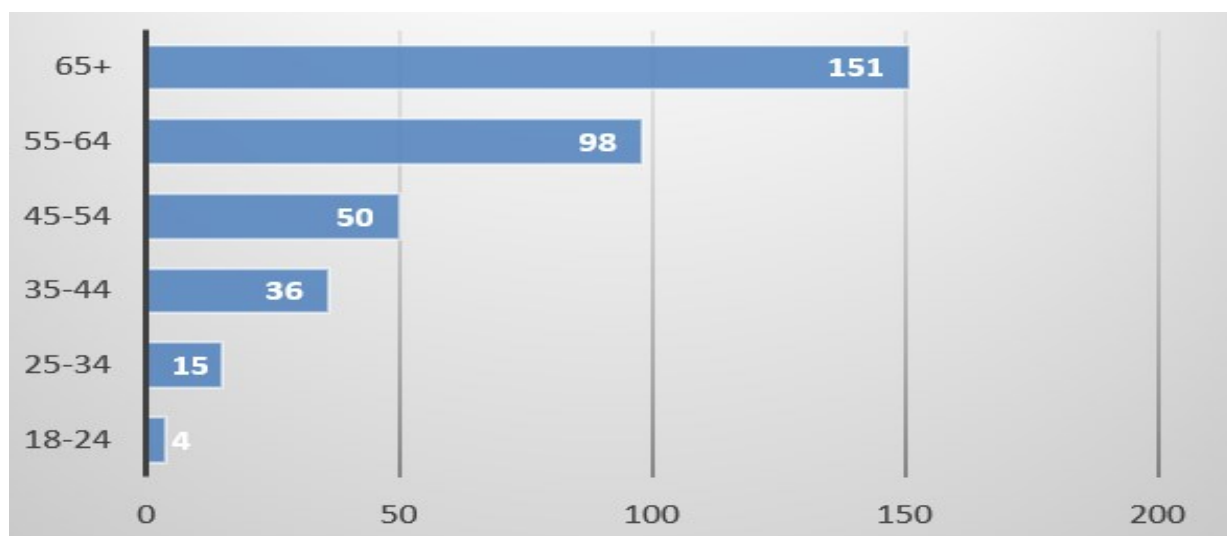




Suburbs of the Respondents



Age Group of the Respondents





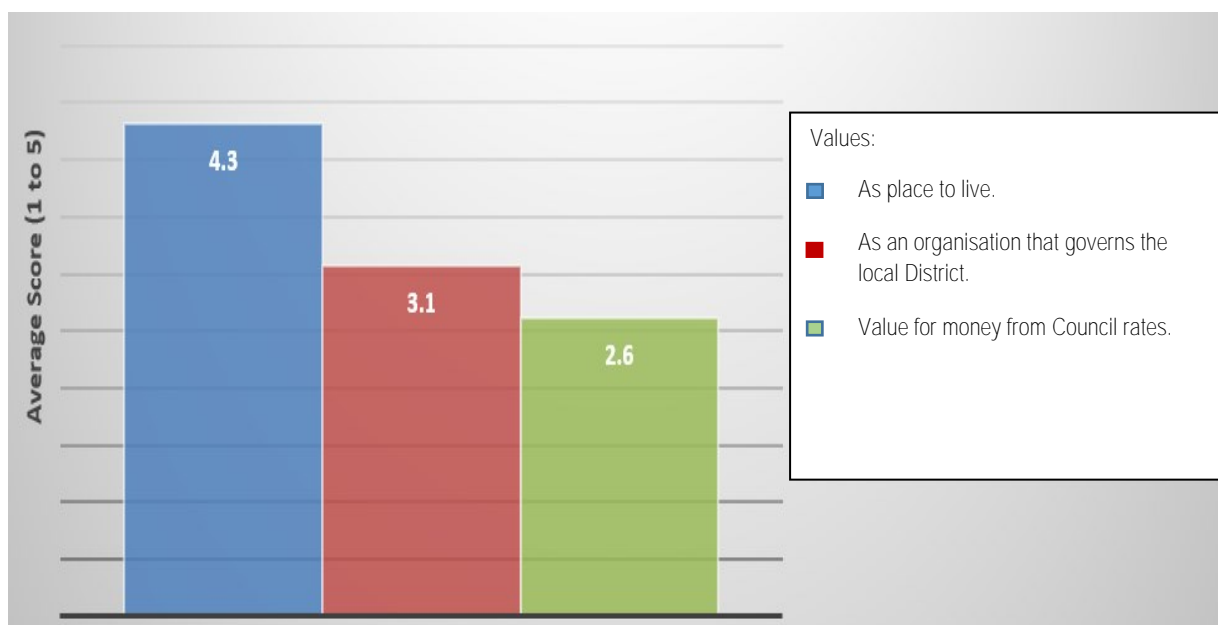
The results showed that respondents rated the Shire of Toodyay as a place to live at 90%. These results are consistent with the forums conducted.

Some 62% stated that the Shire of Toodyay (the organisation) governs the local District well and 52% said that they received value for money from their Council rates.

Overall satisfaction was identified on a 10-point Likert Scale, where 10 is extremely likely and 0 not likely, through the question “Overall how satisfied are you with the Shire **operations and provision of services?**”. Summary findings showed that the average satisfaction score was 5.8 out of 10, or 58%. However, most respondents scored the Shire 7 (70%) to 8 (80%) for satisfaction with the Shire’s **operations and provision of services** as detailed below:

Average Score

Q1. Overall, how would you rate the Shire of Toodyay in the following Areas



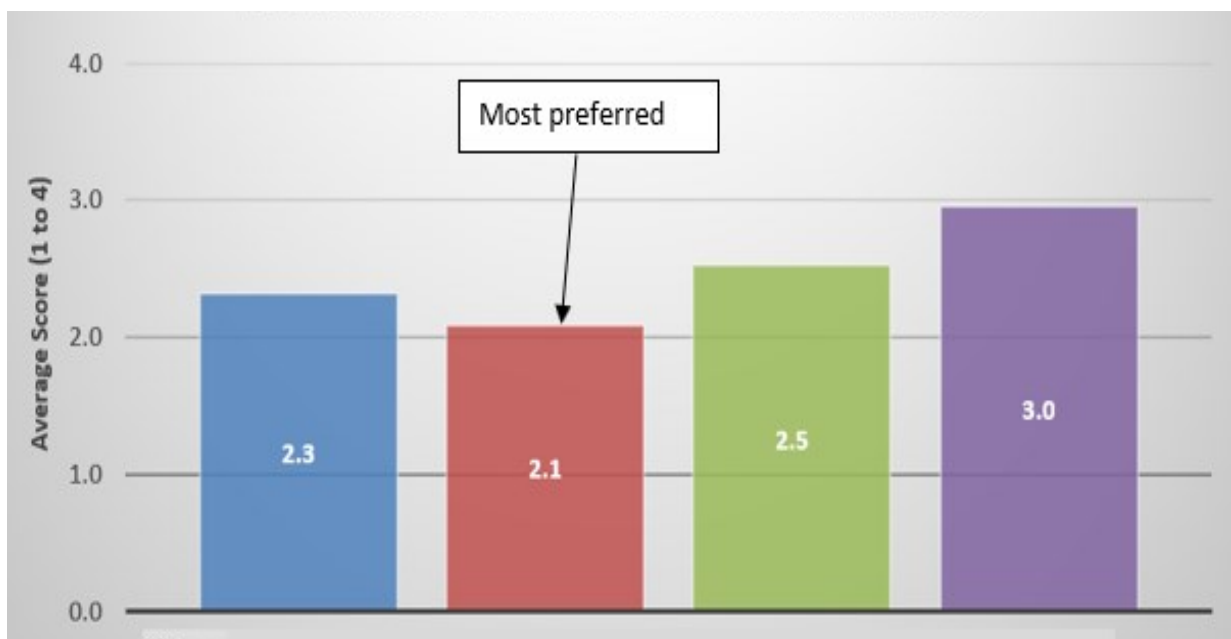


Preferred Communication Method

To ensure ongoing communications with the Shire's resident base the Shire wanted to ascertain what is the preferred method for residents and ratepayers. The survey question was asked so that a 1 was most preferred and a 4 least preferred. Hence the graph below indicates that the most preferred method is the lowest scoring item. In summary therefore:

1. eNewsletter – *Most preferred*
2. Community Newsletter
3. Website
4. Social Media Presence – *Least preferred*

Preferred Communication Method



Values:

■ Community Newsletter
 ■ eNewsletter
 ■ Website
 ■ Social Media Presence

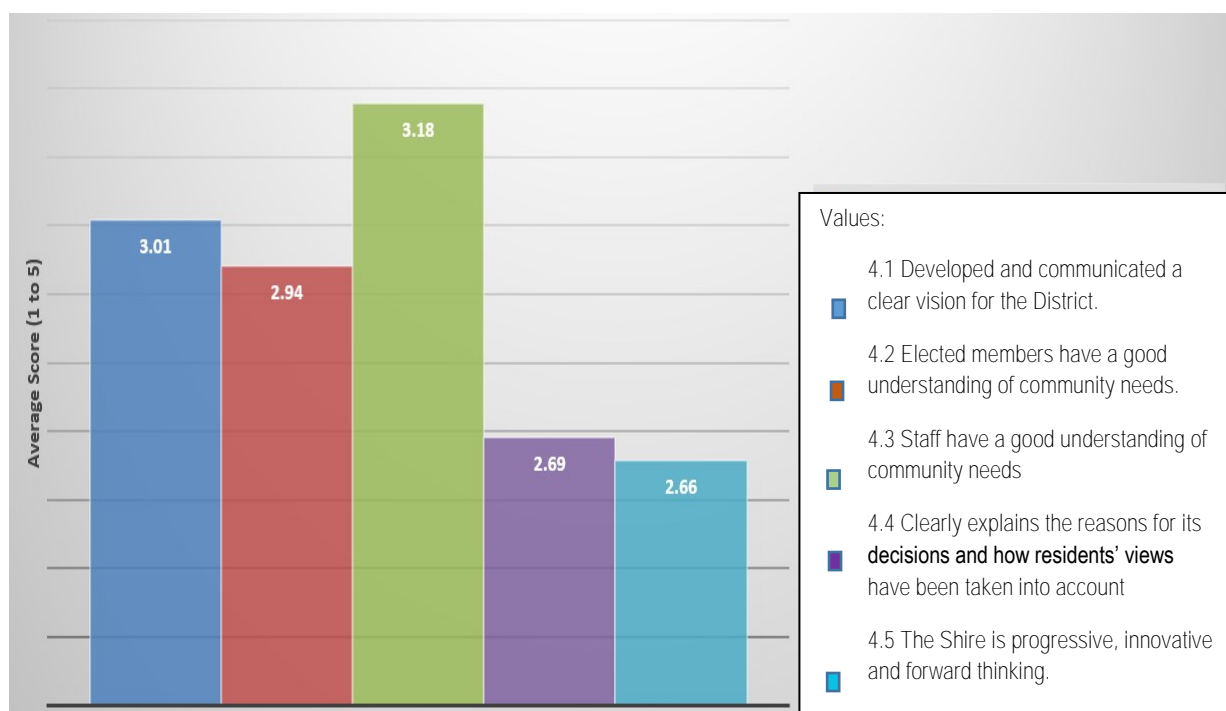


Question four noted that the Shire of Toodyay works in partnership with State Government, private organisations, and people in the local community to meet a range of community needs. It is also a direct provider of many services and facilities. How would you rate performance in the following areas?

- 60% stated that the Shire has developed and communicated a clear vision for the District.
- 59% stated that in their opinion Elected Members have a good understanding of community needs.
- 64% of respondents felt that Staff have a good understanding of community needs
- 54% felt that the Shire **clearly explains the reasons for its decisions and how residents' views have been considered.**
- 53% felt that the Shire is not progressive, innovative, and forward thinking.

These results are shown graphically below. These results indicated that the Shire should consider its current methods of communicating its reasons for the decisions made by Council and how the Shire has listened to the community in the process.

Average Score Q4.1 to Q4.5 Governance Performance



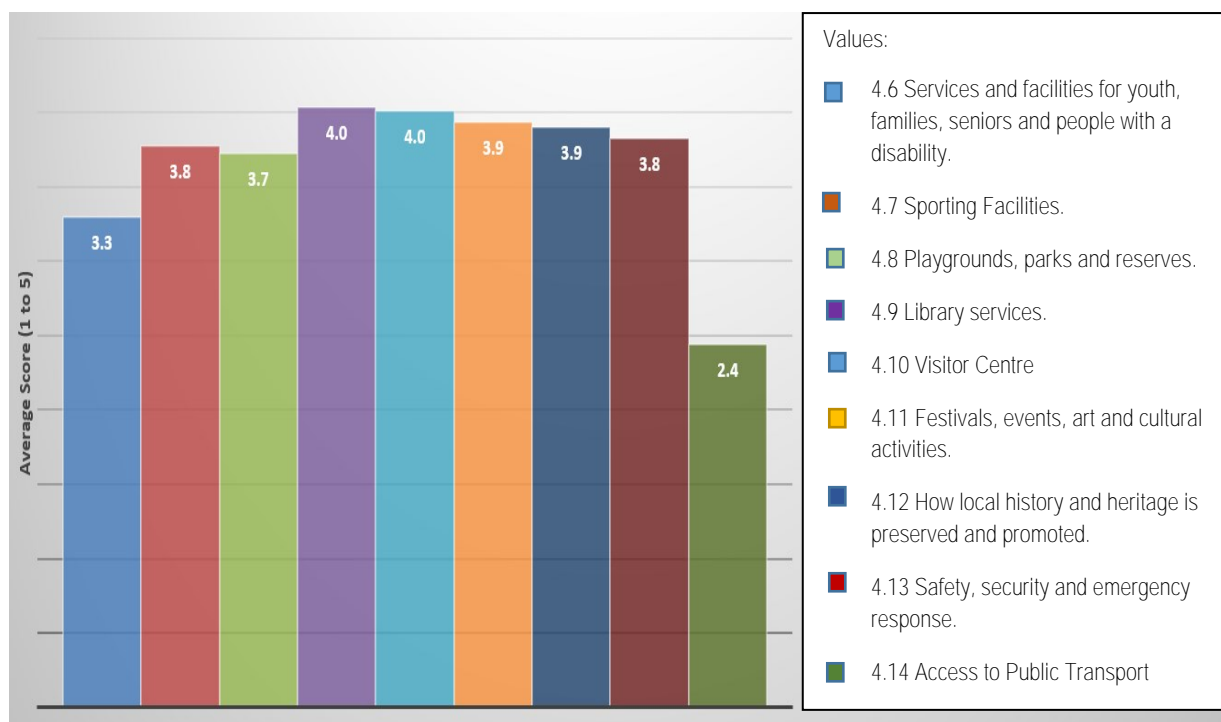


Community Service Performance

When asked to rate the core community services across multiple services the following results were obtained:

- Services and facilities for youth, families, seniors, and people with a disability was rated at 66% satisfaction.
- The Shire's sporting facilities were rated at 76% satisfaction.
- The Shire's playgrounds, parks and reserves were rated at 74%.
- Library services was rated as one of the highest services at 80%.
- The Visitor Centre was also rated at 80% satisfaction as one of the highest services.
- Festivals, events, art, and cultural activities were rated at 78% satisfaction
- How local history and heritage is preserved and promoted was rated at 78%.
- Safety, security, and emergency response were rated at 76% satisfaction.
- Access to public transport was rated at the lowest level at 48%.

Average Score Q4.6 to Q4.14 Community Service Performance



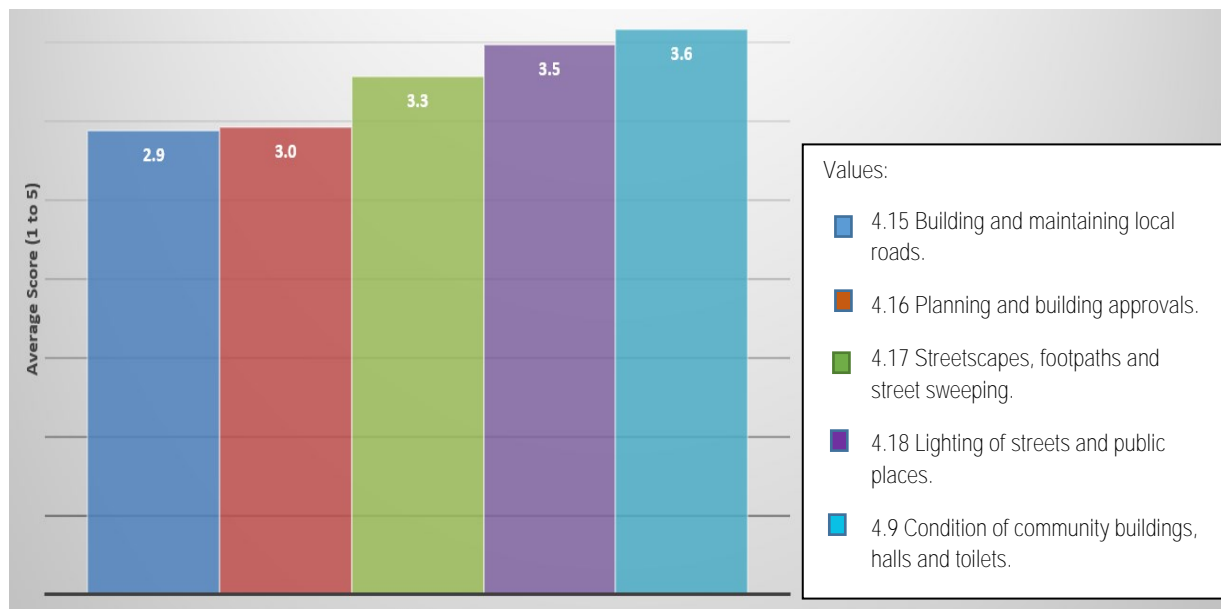


The Shire then explored the community's feeling against the provision of the built environment as opposed to the natural environment. The results indicated the following:

- Satisfaction with the planning and building approvals processes was rated at 60%
- Building and maintaining local roads was rated the lowest at 58%.
- Streetscapes, footpaths, and street sweeping was rated at 66%.
- Lighting of streets and public places was rated at 70% satisfaction.
- Condition of community buildings, halls and toilets was rated at 72%, the highest rating given for this area of services.

Overall, other than building and maintaining local roads, the average score was above 3 (or 60%) for all other built environmental performance areas.

Average Score Q4.15 to Q4.19 Built Environment Performance



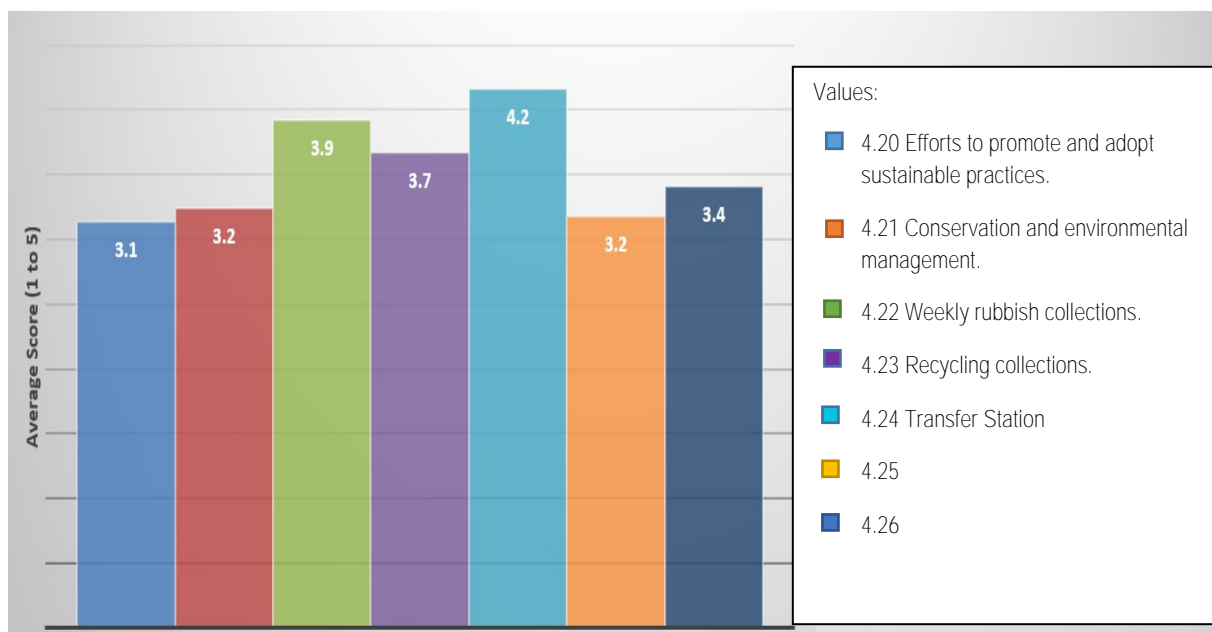


When asked about the community's feeling against the provision of the natural environment across the following dimensions, the results indicated the following:

- Efforts to promote and adopt sustainable practices rated at 62%.
- Conservation and environmental management rated at 64%.
- Weekly rubbish collections rated high at 78%.
- Recycling collections rated at 74%.
- Toodyay Transfer Station rated at the highest level of 84%.
- Natural disaster education, prevention, and relief (for bushfires, flooding, cyclones etc) rated at 64%.
- Animal and pest control rated at 68%.

In Summary, the average score was above 3 (60%) for all the environment aspects.

Average Score Q4.20 to Q4.26 Environment Performance

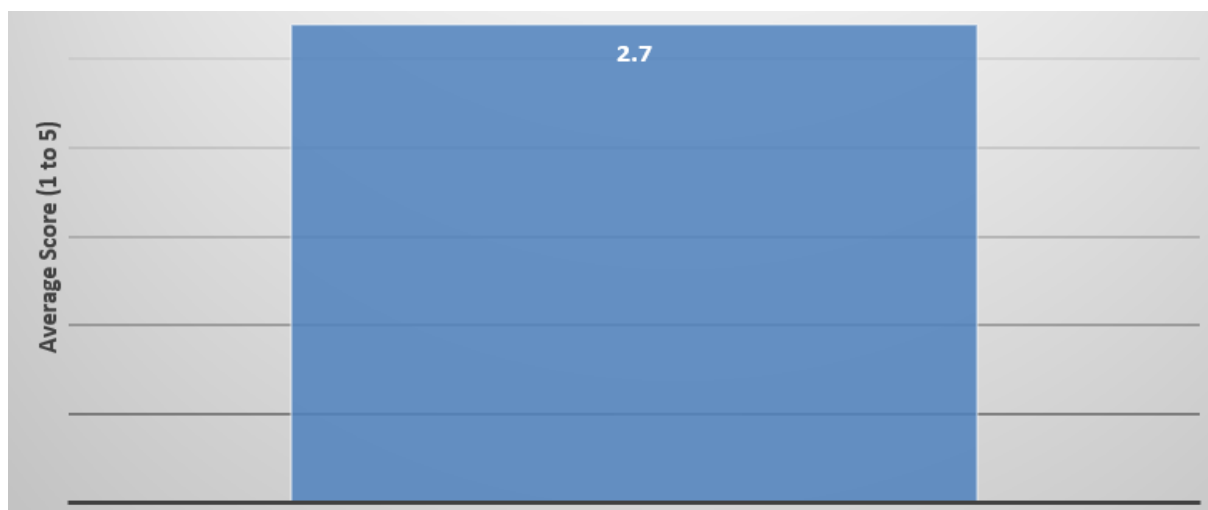




When asked about what the Shire is doing to attract and retain businesses, grow tourism, and create more job opportunities, the community rated this area quite low at 2.7 or 54% indicating that more needs to be done in this area.

Average Score Q4.27 Economic Development Performance

**What is the Shire doing to attract and retain businesses, grow tourism?
and create more job opportunities.**



Q2 “What do you feel is our role? and What things should be reflected in our Shire Plans?”

Communication was again raised in a number of responses, but financial management and maintenance of assets, particularly roads were required. Other respondents related generally to:

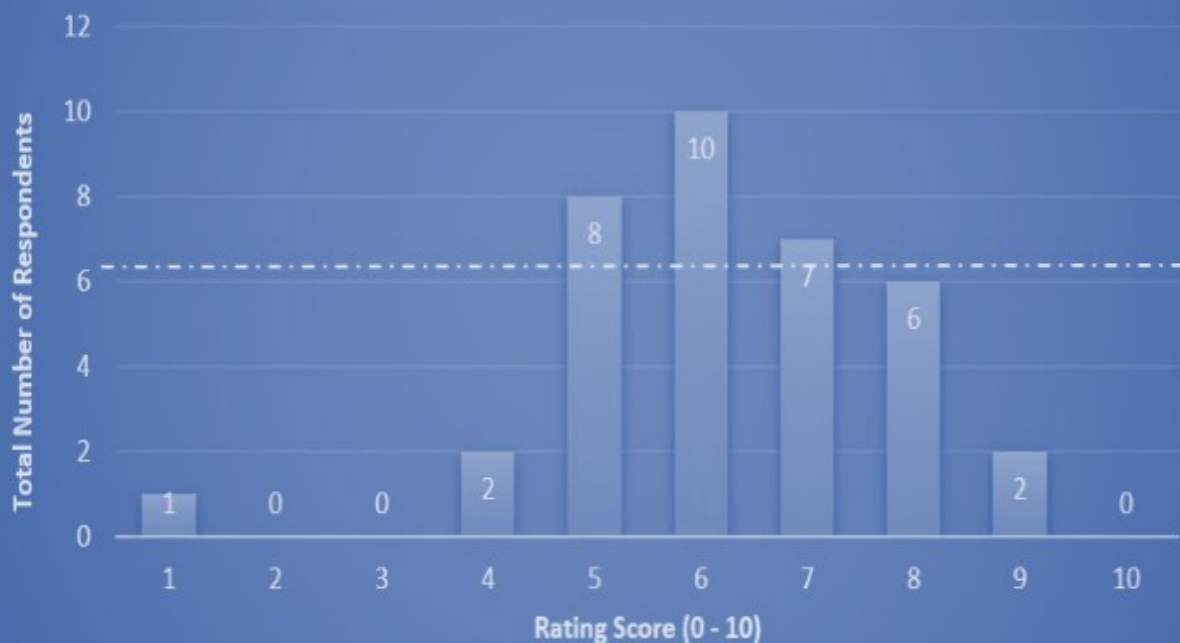
- Providing a safe place.
- Tourism and economic development – more local jobs.
- Promotion of community groups.
- Need for better fire management.

Q3 “Overall, how would you rate the Shire in meeting its community and statutory requirements?”

The results are consistent with the broad-based community survey undertaken with the average score being 62%.

In relation to the question “What are your perceptions of how the Shire perform?” there was a range of answers with many seeking a more cohesive Council, better communication and consultation with the community, better planning processes, improved staff management and some wanting better facilities.

Overall Rating for the Shire of Toodyay in Meeting its Community & Statutory Requirements



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Amendments made to the Register of Delegations (pre-Council Workshop) are contained in the table below:

Summary of Amendments made as part of the review	
Detail	Reason
Removal of reference to Section 9.10(2) from Delegation ES2 Delegation to the CEO - <i>Local Government Act 1995</i> and <i>Local Government (Miscellaneous Provisions) Act 1960</i>	<p>Reference to Section 9.10(2) of the <i>Local Government Act 1995</i> (May 2020) read as follows:</p> <p><i>The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.</i></p> <p><u>The amendment reads as follows:</u></p> <p><i>The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws.</i></p>
Instruments of delegation have all been amended to include the title of the specified provisions of the specified laws in the instrument of delegation (and thereby be included with the instrument of appointment as per the term <i>specified</i> which means specified in the instrument of appointment.	In accordance with 9.10(2) of the <i>Local Government Act 1995</i> .
Formatted the front page and re-did the table of contents heading on the first page	Cosmetic adjustment.
ES12 Notices requiring certain things to be done by owner or occupier of land	Removed from register and renumbered the remaining delegations in the Executive Services section.

Summary of Amendments made as part of the review	
Detail	Reason
Added in CESM box to the Staff Certificates of Authority	To ensure compliance with Certificates of Authority.
<p>9.19. Extension of time</p> <p>The CEO of a local government may, in a particular case, extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.</p> <p>[Section 9.19 amended: No. 26 of 2016 s. 20.]</p> <p>9.20. Withdrawal of notice</p> <p>(1) Within one year after the notice was given the CEO of the local government may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.</p> <p>(2) Where an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.</p>	CEO given statutory authority through the legislation.
<p>Title – Manager Works and Services</p> <p>Department – Works and Services</p>	Amended throughout the document to Manager Assets and Services and Assets and Services (Department) respectively

Summary of Amendments made as part of the review	
Detail	Reason
<p>Mention of “monthly” CIB in these delegations:</p> <ul style="list-style-type: none"> • ES1 Execution Of Documents; • BHS2 Issue Of Notice Of Breach (Fencing); • BHS3 Dealing With Clearing Matters; • PD1 Stallholder Applications; and • PD2 Thoroughfares And Trading In Thoroughfares And Public Places Permits. 	<p>The word monthly was removed wherever it was mentioned. The bulletin is intended to be printed and supplied to Council on a quarterly basis.</p>
<p>Section on the Concept of Acting through in the guidelines of the Delegation Register</p>	<p>To provide clarity.</p> <p><u>Note:</u> The wording came from a presentation given by WALGA in 2020 as the words used in the presentation were concise.</p>
<p>Headers and footers amended and the look of the front page and sections also were rearranged.</p> <p>The titles of the delegations were also switched around so that the head of power was first and to whom the delegation is being made was second.</p> <p>Not all delegation titles were amended because some delegations do not list the head of power in the title</p>	<p>To ensure consistency.</p>
<p>ES2 Statement of Intent was rewritten a little</p>	<p>To provide clarity between the statement of intent, the powers and duties actually being delegated, and the function and conditions area.</p>
<p>Executive Services Delegations were amended</p>	<p>To include definitions of the local government and reference to the <i>Criminal Procedure Act 2004</i>.</p>

Summary of Amendments made as part of the review	
Detail	Reason
Corporate Service Delegation CS1	To include reference to the head of power legislation.
Corporate Service Delegation CS2	To provide clarity.
Corporate Service Delegation CS3	Section 6.39 (3) "Rates Record of the act doesn't exist. Technically anything that says "is" or "must" cannot be delegated but can be performed by the CEO as an executive function because the local government employ a CEO for the purpose of the administration of a local government. Administration would include service of rate notices out to ratepayers.
Corporate Service Delegation CS4	To provide consistency and remove duplication.
Corporate Service Delegation CS5	Referred to the Department of Local Government and Communities Local Government Operational Guideline "Legal Representation for Council Members and Employees" Date: 29 April 2019. Looked at the model Policy and at Council's current policy. Changed the date of the guideline from 2006 to 2019. Included an extra line in the intent section and moved a reference to Section 3.1 into the Powers and Duties section because the guideline on-line has it in that order.
Reference to Regulation 4(3) (a) – grant approval subject to form and conditions set out by Council; in Delegation BHS4	To conform with the other delegations and meet the new requirements of section 9.10(1).
Section 5 Delegations	Amended some instruments to provide clarity.
Strata Title Delegation Instrument	Copied from the gazettal and placed the delegation in a new instrument
Delegation PD9	Reference to Strata Title Delegation Instrument in accordance with gazettal mentioned above.

Summary of Amendments made following the workshop	
Area/Delegation	Extra changes/Reason
Looked at all the policies and added the missing numbers to them where applicable.	Added in Record Keeping Policy as it was not mentioned in any of the delegations.
Searched for his / her references	Made a few changes where the word his appeared but it should have been "this".
Prescribed Acts Inclusion	I have adjusted the paragraph above to include the word "as follows" so I could list the prescribed acts.
<p>Assets and Technical Service – Delegations to the CEO</p> <p>Delegation AS1 Crossovers</p> <p>Note: this delegation is connected to the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law of the Shire of Toodyay</p>	<p>Advice from WALGA in regard to this delegation refers to the local law delegations to the CEO.</p> <p>Any decision which has the effect of granting, renewing, varying or cancelling a permission or authorisation under a Local Law is a decision that is subject to Part 9, Division 1 of the Local Government Act (objection and appeal rights – see s.9.1) and can be referred to the State Administration Tribunal. Example Local Law decision include approving, refusing, applying a condition, varying an approval or condition or cancelling a permit.</p> <p>Such decisions are deemed 'quasi-judicial' and imply substantial scope for decision outcomes to differ on each occasion that a decision is made.</p> <p>Therefore, as with other legislation, where a discretionary power or duty is assigned in a Local Law to the 'Local Government', the power or duty must be delegated to convey the authority to make decisions.</p>
Delegation AS4 – Altering Thoroughfare alignments was removed from the register.	As Section 3.51 has been included in Delegation ES2 there is no requirement to have a separate delegation

Summary of Amendments made following the workshop	
Area/Delegation	Extra changes/Reason
<p><u>Executive Service Section – Delegation ES1 Execution of Documents</u></p> <p><i>Firstly – I have made this delegation ES2 and the ES2 delegation ES1 because the head of power in both circumstances is the Local Government Act 1995 and it makes better sense to have ES2 be ES1 and vice versa.</i></p> <p>Note: this delegation is connected to the <i>Local Government Standing Orders Local Law 2008</i> of the Shire of Toodyay</p>	<p>Because Council cannot delegate to the CEO the power under Section 9.49A(4) to authorise a person to sign documents on behalf of the local government (Ref: Section 5.43(ha)) Council, in the delegation may authorise other senior employees, if the intention of the delegation is that Managers, as Senior Employees, will be able to effectively perform the duties of their positions in the administration of Council. If Council chooses not to authorise Managers, nor the CEO then <u>every single document</u> that requires signing by the CEO and / or Managers would need to come to Council for endorsement.</p> <p>The word 'delegation' means to grant authority by one party (i.e. the delegator meaning Council) to another (delegate – meaning the CEO or another employee) for an agreed purpose that will be specified in the instrument of delegation.</p> <p>Many other local governments have the same instrument of delegation in their delegation registers (e.g. City of Swan, City of Greater Geraldton and the City of Wanneroo to name a few). The City of Wanneroo even has a policy that contains the types of documents that may be signed by Officers who are authorised through the delegation instrument adopted by Council to execute documents on behalf of the local government in accordance with s.9.49A(4) of the Local Government Act 1995.</p> <p><i>Section 9.49A of the Local Government Act 1995 (WA) provides for the execution of documents by a Local Government. Under s. 9.49A a Local Government may execute documents under seal or without a seal.</i></p> <p><i>Section 9.49A(4) of the Local Government Act 1995 (WA) provides that the Local Government may, by resolution, delegate and authorise the Chief Executive Officer or another authorised person of said authority to sign documents on behalf of the Local Government.</i></p> <p>In these instances a copy of the delegation should be provided to support the execution under section 9.49A(4) of the Local Government Act.</p>

Summary of Amendments made following the workshop	
Area/Delegation	Extra changes/Reason
	<p>Sample</p> <p>Signed by the (name of Local Government)</p> <p>pursuant to s.9.49A(4) of the Local Government Act 1995</p> <p>by it's Authorised Person.</p> <p>Signature of CEO or Authorised Person</p> <p>(Print Full Name)</p> <p>CEO or Authorised Officer</p> <p>(Reference: https://www0.landgate.wa.gov.au/for-individuals/Land-Transactions-toolkit/land-titles-registration-policy-and-procedure-guides/practice-manual/registration/sig-09-signing-by-a-local-government?SQ_DESIGN_NAME=blank&SQ_PAINT_LAYOUT_NAME=blank#:~:text=Section%209.49A(4)%20of,behalf%20of%20the%20Local%20Government.)</p> <p>The main thing that differentiates a deed from a binding agreement is that, in order for a deed to be binding, consideration is not necessary. Furthermore, while an agreement is enforceable whether it is made orally or in writing, a deed must be executed in writing.</p> <p>Ref https://www.taylorwessing.com/synapse/commercial_execution.html</p> <p><i>Documents are most commonly executed as simple contracts. A contract is made binding on the date that both parties intend that it is to come into effect, which is typically</i></p>

Summary of Amendments made following the workshop	
Area/Delegation	Extra changes/Reason
	<p><i>evidenced by both parties signing the agreement. There is no requirement for the signature to be witnessed.</i></p> <p><i>Simple contracts have a statutory "limitation period" of six years. This means that a party to the contract must bring any claim for breach of that contract within 6 years of the breach taking place. Any later and the claim will be time-barred.</i></p> <p><i>Deeds are required by law in certain circumstances. For example, transfers of real estate and powers of attorney must be made by deed.</i></p> <p><i>Deeds can also be advantageous even when they are not strictly required by law. For example, if only one party under a contract is receiving a real benefit from an agreement, it would be advisable under English law to execute the contract as a deed so that it is not void for lack of consideration. Another potential advantage of deeds is that they have a longer statutory limitation period than contracts: twelve years.</i></p> <p><i>However, a deed requires some additional execution formality beyond a simple signature. Deeds must be in writing and will typically be executed in the presence of a witness, although in the case of a company a deed may be executed effectively by two directors or a director and the company secretary. Specific wording should also be included above the signature blocks.</i></p> <p><u><i>Counterparts</i></u></p> <p><i>Simple contracts and deeds are often executed in counterparts. This means that each party to the contract will sign separate but identical copies of the same document. The signed copies will together form a single binding agreement.</i></p> <p><i>Simple contracts and deeds typically contain a clause expressly allowing the document to be executed in counterparts.</i></p>
Planning Services – Delegations to the CEO	Councillors asked for the lots mentioned to be reduced down to 10 although the sentence in the conditions of the delegation was talking about an application that the WAPC would

Summary of Amendments made following the workshop	
Area/Delegation	Extra changes/Reason
Delegation PD9 – Recommendations to WAPC regarding applications for subdivision/amalgamation or Strata Title	put to Council for comment so changing it from 20 to 10 will not make any difference to the delegation.
Typographical amendments supplied by Cr Hart, Cr Ruthven and Cr Pearce.	Nothing more other than the amendments suggested.
Page 5 of the Delegation Register	Policy HR1 does still exist. Reference has been made in the Delegation Register to the national model Work, Health and Safety Regulations).
<p>Corporate & Community Services – Delegations to CEO</p> <p>Delegation CS5 Legal Representation and Costs Indemnification</p> <p>Note: the reason a separate delegation had existed was because Administration Policy A.04 (Clause (2) Applications for financial assistance (e) states that “where there is a need for the provision of urgent legal services before an application can be considered by Council the CEO may give an authorisation to the value of \$4,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Local Government Act 1995.</p>	<p>Given that the CEO has this authority under Delegation CS1 Payments from Municipal and Trust Fund Delegation it was decided that it is unnecessary to have a duplicate delegation.</p> <p>CS5 Legal Representation and Costs Indemnification has been removed from the register and the rest of the delegations were renumbered accordingly.</p> <p>Please note:</p> <p><i>Some internal controls have been added into Delegation CS1.</i></p> <p>This was as a result of reading information provided by WALGA – some of which is below:</p> <p><u>The Difference between Incurring Liabilities and Making Payments</u></p> <p><i>The following information will assist in understanding the legislative framework that informs:</i></p> <ul style="list-style-type: none"> <i>Incurring a Liability as a procedural matter subject to CEO authorisations;</i> <p><i>Incurring liabilities are not described in the Local Government Act or Regulations as an <u>express power or duty</u>, rather it is only described as a</i></p>

Summary of Amendments made following the workshop	
Area/Delegation	Extra changes/Reason
	<p><i>requirement for the Local Government and the CEO to control by developing “<u>systems and procedures</u>” [see FM Regs 5 and 11].</i></p> <p><i>Incurring liabilities is therefore <u>not</u> an express (written) power or duty which is capable of being delegated.</i></p> <p><i>Therefore the CEO must establish systems and written procedures which give effect to compliance with legislation and purchasing policy and provide appropriate internal controls and risk mitigation for incurring liabilities.</i></p> <ul style="list-style-type: none"> • <i>Issuing a Requisition</i> <i>the Requisition is only a <u>proposal to purchase</u> (FM Regs 5 & 11), describing the goods or services required to enable a decision to issue a Purchase Order. It does not incur a liability as the goods / services may only be provided on the basis of an appropriately issued Purchase Order. Administrative Procedures should establish which positions are authorised to issue Requisitions.</i> • <i>A decision to issue a requisition and therefore Purchase Order, is informed by other, previous Council decisions, for example – the Budget adopted by Council, Council decisions to approve projects or implement policies. If, the Act or Regulations were drafted to require a Council decision to issue a Requisition or Purchase Order (with potential for these decisions to be delegated), then it would open up the ability for those previous Council decisions to be circumvented by a decision to issue or not issue a Requisition or Purchase Order. The decision to incur a liability is in fact and in operation a method of implementing a Council decision and therefore accords with the CEO’s duties under s.5.41(c) to cause council decisions to be implemented.</i> • <i>Issuing a Purchase Order</i>

Summary of Amendments made following the workshop	
Area/Delegation	Extra changes/Reason
	<p><i>The Purchase Order, creates a contract between the supplier and the Local Government. It incurs a liability (FM Regs.5 & 11), provided that the goods or services are ultimately supplied in accordance with the requirements specified in the purchase order. Administrative procedures should establish which positions are authorised to issue Purchase Orders, with pre-requisite requirements for a Purchase Order to only be issued, where due diligence confirms:</i></p> <ul style="list-style-type: none"> ➤ Compliance with the Purchasing Policy ➤ The committal value of the Purchase Order is within an appropriate and available budget allocation. ➤ The proposed goods / services are within the scope of implementing a Council decision either specific or generally. <ul style="list-style-type: none"> • <i>Using a Credit or Transaction Card (store card, fuel card or corporate credit card)</i> <p><i>Transaction Cards are a method of incurring a liability, with the goods or services received and a monthly statement provided to the Local Government for acquittal (verification of a liability) on a monthly basis. Procedures should prescribe the positions which are authorised to used Transaction Cards and the limits and obligations for use for their use when incurring liabilities and the requirements for acquittal of statements to enable payment.</i></p> <ul style="list-style-type: none"> • <i>Verification of a Liability</i> <ul style="list-style-type: none"> ➤ Goods / Services Received – A record that evidences that the goods or services have been received in accordance with the Purchase Order.

Summary of Amendments made following the workshop	
Area/Delegation	Extra changes/Reason
	<ul style="list-style-type: none"> ➤ Verification of Invoice – the charges align with the accepted quote or the contracted schedule of rates as relevant, which have been checked against the record of goods / services received. ➤ Verification of Transaction Card Statements – transactions accord with the card holder limits and conditions, transactions are for a proper purpose (not personal) and the goods / services obtained are within the scope of implementing a Council decision either specific or generally. <p><i>An element of the Internal Controls is the requirement to separate roles between incurring liabilities and making payments. Meaning that a person who has responsibility for incurring a liability should not also be responsible for verifying the liability or approving the relevant payment.</i></p> <p>and</p> <ul style="list-style-type: none"> • <i>Making Payments as an <u>express (written) statutory power</u> which is capable of being delegated:</i> <p>Financial Management Reg.12(1)(a) prescribes the ability for the Council to delegate to the CEO its power to <u>make payments from the Municipal or the Trust Fund</u>. Financial Management Reg.13 prescribes the <u>procedural</u> matters that the CEO must comply with if the power to make payments is delegated.</p> <p>Making a Payment - A Payment can only be made, where an opinion has been formed (<u>delegated authority decision</u> FM Reg12(1)(a)) that the goods or services specified in the Purchase Order have been satisfactorily received.</p>
Corporate & Community Services – Delegations to CEO Delegation CS6 Power to defer, Grant discounts waive write off debts	<p>This delegation has been revised.</p> <p>Money that is owed to the Shire will be expected to be received by the Council and may be, particularly with rates, in the budget as receivables. However, money such as hiring something using the Schedule of Fees and Charges of the Shire of Toodyay – there is</p>

Summary of Amendments made following the workshop	
Area/Delegation	Extra changes/Reason
	no receivables forecast. As per an existing WALGA Template Council has determined a value to limit the delegation and the conditions of that delegation are included in the Council Policies for Debt Collection and Financial Hardship.
<p>Corporate & Community Services – Delegations to CEO</p> <p>Delegation CS8 – Consumption of Liquor on local government property</p> <p>Note: this delegation is connected to the Local Government Property Local Law of the Shire of Toodyay</p>	As above. A delegation is required for the local law to be enacted.
<p>Executive Service Section – Delegation ES12 – Lease of Council Buildings</p> <p>Note: this delegation is connected to the Local Government Property Local Law of the Shire of Toodyay</p>	As above. A delegation is required for the local law to be enacted.
<p>Executive Service Section – Delegation ES13 – Tenancy Agreements</p> <p>Note: this delegation is connected to the Local Government Property Local Law of the Shire of Toodyay</p>	<p>As above. A delegation is required for the local law to be enacted. Clauses 1.3 and 1.4. and Clauses 3.4.</p> <p>It is our intention to develop a Council Policy in relation to Tenancy Agreements.</p>
Executive Service Section – Delegation ES14 – Contract Formalities	This delegation has been revised.

Summary of Amendments made following the workshop	
Area/Delegation	Extra changes/Reason
Executive Service Section – Delegation ES15 – Appointment of Acting CEO	This delegation has now been removed (and the remaining renumbered). A separate report is included in the Agenda together with a policy, in accordance with Section 5.39C of the <i>Local Government Act 1995</i> .
Planning Services – Delegations to the CEO Delegation PD1 – Stallholder Applications Note: this delegation is connected to the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law of the Shire of Toodyay	As above. A delegation is required for the local law to be enacted.
Planning Services – Delegations to the CEO Delegation PD2 – Thoroughfares and Trading in Thoroughfares and Public Places Permits. Note: this delegation is connected to the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law of the Shire of Toodyay	As above. A delegation is required for the local law to be enacted.
Planning Services – Delegations to the CEO PD7 – Gutters for new buildings in the Central Toodyay Heritage Area	This has been removed as it was not used for a very long time and it is not needed. Numbers of delegations after that were renumbered.

2021 Register of Delegations

s.5.46 (CEO/Employees) of the *Local Government Act 1995*;
s.5.18 (Committees) of the *Local Government Act 1995*

Council Resolution

This Register of Delegations was adopted by Council at an Ordinary Council Meeting held in the Shire of Toodyay Council Chambers on 22 June 2021 as per the resolution below.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 131/06/21

MOVED Cr Pearce

That Council:

1. notes the summary of amendments made to the Register of Delegations, as contained in the Officer's Report;
2. adopts the instruments of delegation contained in the Executive Services section of the REVISED Register of Delegations, as attached;
3. adopts instruments of delegation contained in the Corporate and Community Services section of the REVISED Register of Delegations, as attached;
4. endorses instruments of delegation contained in the Building and Health Services section of the Register of Delegations, as attached;
5. endorses instruments of delegation contained in the Assets and Technical Services section of the Register of Delegations;
6. endorses instruments of delegation contained in the Planning and Development Services section of the Register of Delegations;
7. Notes instruments of delegation contained in the External Agencies – Assignment of Power to Statutory Officeholders section of the Register of Delegations as attached.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

We, the undersigned, certify that the delegations contained in this Register were formally reviewed by Council on 22 June 2021. We also confirm the application of these instruments of delegation contained within this Register of Delegations as presented herein.

Cr Rosemary Madacsi
Shire President

Suzie Haslehurst
Chief Executive Officer

Date:

Date:

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SECTION 1 Introduction, Process and Authorities

The Guidelines

The Department of Local Government, Sport and Cultural Industries produced a Local Government Operational Guideline (Number 17 – January 2007) titled "Delegations" as a guideline for local governments. Section 59 of the *Interpretation Act 1984* prescribes the framework for how delegated authority must be structured in Western Australian law.

The Functions of Local Government

The general function of a local government is to provide for the good government of persons in its district (the *Local Government Act 1995* s.3.1 (1)). The general function of a local government includes legislative and executive functions (the *Local Government Act 1995* s.3.4).

In accordance with the *Local Government Act 1995* (the Act) Section 2.6(1) each Local Government is to have an elected Council as its governing body.

The *Local Government Act 1995* (s.2.7) prescribes that the strategic leadership role of Council is as follows:

- (a) To **Govern** the local government's affairs;
- (b) To be responsible for the **performance** of the local government's functions;
- (c) To oversee the allocation of the local government's **finances** and **resources**; and
- (d) To determine the local government's **policies**.

This strategic role is further clarified through the Act specifying decisions which can only be made by Council with an absolute majority or by Council Resolution.

The Shire President liaises with the CEO regarding Local Government affairs (Council Business) and the performance of its functions in accordance with Section 2.8(1) (f) of the *Local Government Act 1995*.

The Register of Delegations

Under the *Local Government Act 1995* both the Council and the CEO are given certain functions and duties to be discharged, in accordance with Section 5.42 of the *Local Government Act 1995*. Council may delegate authority to perform some of its functions and duties to the Chief Executive Officer (CEO).

The CEO may then delegate to any other officer the authority to perform functions and duties that are exercisable by the CEO under specific Acts and the provisions of any subsidiary

legislation that have been delegated to the CEO either by the Council or a Minister through a legislative instrument.

This is in keeping with the governance structure whereby staff members are responsible to the CEO and the CEO is responsible to Council.

Delegations of authority provide Officers with the power to exercise duties and make determinations. These delegations must be performed in a manner that is in accordance with the relevant delegation.

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation. This is consistent with the Shire of Toodyay's commitment to our Customer Service Charter and Community Strategic Plan.

Similarly, the implementation of council decisions and instructions is conducted by the CEO, who may delegate some of this responsibility to other Officers of the Shire.

Legislation and the Head of Power

Legislation prescribes what decision-making powers and duties can be done and nominates the decision makers (e.g. Permit Authorities, Enforcement Agencies, local government, Chief Executive Officers, President, Mayor, Elected Members, Environmental Health Officers, Building Surveyors, Returning Officers, Authorised Officers, Authorised Persons, Designated Employee and Prescribed Officers) who can perform those decision-making powers and duties.

Where legislation has statutorily prescribed decision-making powers and duties are to be performed by a Chief Executive Officer (CEO), President, Mayor, Elected Member, Environmental Health Officers (EHO), Building Surveyor, or Returning Officer a local government (Council) cannot make any further directives or make amendments to the decision-making powers and/or duties prescribed by legislation.

There are approximately 170 pieces of legislation requiring local government discretion. The *Local Government Act 1995* delegation structures are as follows:

Delegation from Council to Committees

Where the head of power is the *Local Government Act 1995*, Clause "s.5.16 Delegation of some powers and duties to certain committees" of the *Local Government Act 1995* provides for Council to delegate (by Absolute Majority) to Certain Committees the exercise of any of its powers and duties other than this power of delegation without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* under the Act other than those referred to in section 5.17. * *Absolute majority required.*

Delegation from Council to the Audit Committee

Where the head of power is the *Local Government Act 1995*, Section 7.1B of the Local Government Act provides that the only powers and duties that may be delegated to the Audit Committee are the Audit functions set out in Part 7 of the Act.

Delegation from Council to the Chief Executive Officer

Where the head of power is the *Local Government Act 1995*, Clause "s.5.42 Delegation of some powers and duties the CEO" of the *Local Government Act 1995* provides for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under (a) this Act other than those referred to in section 5.43;

A delegation made from Council to the CEO will authorise the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to managing the day-to-day operations of the local government in accordance with Section 5.41 "Functions of CEO" of the *Local Government Act 1995* subject to the requirements of legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*. * Absolute majority required.

Delegation from the Chief Executive Officer

Where the head of power is the *Local Government Act 1995*, Clause "s.5.44 CEO may delegate powers and duties to other employees" of the *Local Government Act 1995* further provides for the CEO to delegate to any employee of local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

Section 9.10 (2) of the *Local Government Act 1995* states that the "CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws". These laws are mentioned specifically in each relevant instrument of appointment.

Process 1 – The Power to Delegate

The local Government (Council) can make delegations at any time. Delegations are to be in writing and may be general or as otherwise provided in the instrument of delegation (the Act s.5.42 (2); the Act s.5.44 (2); the Act s.5.16 (2)).

Legislation prescribes many discretionary powers which do not require Absolute Majority or specify the requirements for a Council Resolution.

All delegations made, amended, or revoked by the Council must be made by "Absolute Majority." A delegation made has effect for the period of time specified in the delegation or

where no period has been specified, indefinitely and any decision to amend or revoke a delegation by an absolute majority (the Act s.5.45 (1)).

The *Interpretation Act 1984* (s.53 Appointments may be by name or office) states:

Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —

- (a) *perform any function; or*
- (b) *be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or*
- (c) *be or do any other thing,*

that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his or her office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.

Process 2 - The Concept of Acting Through

Where legislation contains “mandatory” action; using words such as “shall”, “must”, “is to” or similar terms to these, the Legislation is compelling the decision-maker to act in a particular way. Where there is no discretion in exercising a power or duty then the matter may be dealt with by a local government by acting through the Chief Executive Officer or the Administration.

In effect, exercising an Express Power or Duty that is suitable for Acting Through would resulting in an outcome that would not be substantially different regardless of the circumstances or who exercised the power.

Where legislation contains ‘discretionary’ action; using words such as “may” or “determine” or similar terms to these, these powers and duties are not suitable for Acting Through; and may be delegated.

When Council makes a policy about particular functions it performs there is not a need for a delegation to an Officer as it will be the role of the organisation, chiefly the CEO, to implement those policy decisions. This is the concept of Acting Through.

A policy and a delegation can co-exist when the delegation is specifying a function whereby the CEO has had to use his or her discretion to make a decision within the parameters of that particular function.

Policies that give discretion to the Chief Executive Officer

Council policies detailing the parameters of how Council wants the Chief Executive Officer to exercise his or her discretionary powers in accordance with his/her delegated authority are as follows:

Policy Name	Discretion
Administration Policy No A.10 Christmas Holiday Office Closure	The CEO will have discretion to vary the times of closure so that the period may include up to one day prior to Christmas Day and up to two days after New Year's Day, but not exceeding a total of eight consecutive working days, excluding weekends although inclusive of public holidays.
Other Policy No O.2 Volunteering	Where a volunteer has a question whether a conflict exists, that person shall notify their supervisor immediately. The supervisor will determine (after consulting the CEO, or legal counsel is sought, at the CEO's discretion) whether a conflict exists and may determine that the volunteer shall not take part in any decision or activity relating to or arising from that conflict or may attach conditions to further involvement.
Finance Policy F.8 Staff Uniforms	Uniforms are to be purchased on a wear and tear basis, being replaced on an as needs basis, with any dispute on the necessity of purchase being resolved at the discretion of the CEO.
Members Policy M.2 Public Consultation Formal Matters	Late submission may be included for consideration at the discretion of the CEO where: <ul style="list-style-type: none"> (a) The submission is from a referral agency (e.g., Department of Environmental Regulation, Main Roads WA); (b) The consultation does not relate to a planning matter funded by a planning applicant; and <ul style="list-style-type: none"> (i) Consideration of the submission will not delay consideration of the matter to be considered; or (ii) The submission is from a key stakeholder where exclusion would compromise the quality of the decision.
HR Policy HR1 Loss of Driver's Licence	Employees who advise the CEO that they have a problem which may have resulted in them losing their Licence may be assisted by the Shire of Toodyay. The level of support will be determined at the discretion of the CEO; and In accordance with HR Policy (and the national model Work, Health and Safety Regulations) any decision to supply and fund counselling to the employee to assist with recovery during the employee's illness lies solely within the CEO's discretion.
HR Policy HR4 Managing Employee Leave Entitlements	Where an agreement cannot be reached after the dispute resolution procedure has been followed, the final determination shall be made at the discretion of the CEO.

Policy Name	Discretion
HR Policy HR7 Vehicle Usage	Private use of Local Government vehicles is restricted to the zones designated in the policy subject to the discretion of the CEO; and unless an Officer has 'Full Private Use' it is at the discretion of the CEO , after having regard to the needs of the Shire of Toodyay and the associated costs, whether or not an employee is able to retain the use of a vehicle during periods of absence from work including paid or unpaid leave.
Members Policy M.4 Conferences and Professional Development	The CEO is authorised to approve requests from Elected Members for professional development training and conference attendance without referral to Council in accordance with Policy.
Finance Policy F.5 – Debt Collection	The CEO may allow persons experiencing financial difficulties to make suitable arrangements for payment of sundry debtor charges in accordance with policy.
Other Policy O.5 – Closed Circuit Televisions (CCTV)	The CEO may authorise minor changes to the system and to this policy, where appropriate.
Administration Policy A15 for the Keeping of 3 to 6 dogs	The CEO is delegated authority to perform the functions of Council in respect to determination and/or refusal of applications in accordance with policy.

Certificates of Authority for Authorised Persons

Section 9.10 (2) of the *Local Government Act 1995* states that the “CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws”. These laws are mentioned specifically in each relevant instrument of appointment.

The CEO must issue each authorised person an identity card specifying each law to which the person's appointment relates in accordance with Section 9.10(4) of the *Local Government Act 1995*. The identity cards are to be signed by the Authorised Person and the Delegate, copies of which are to be kept on file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.

That person is to produce it whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person (the Act Section 9.10(5)).

The decision made in respect to the Appointment of Authorised Persons is made in writing through a detailed Memorandum (Appointment Certificate of Authority).

Certificates of Authority are to be signed by the Authorised Person and the Delegate, copies of which are to be kept on file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.

The Appointment of Authorised Persons is to be recorded in the Authorised Officer register and reported in the Executive Section of the Council Information Bulletin.

A record of authorities is located in Section 1 – Authority Matrix and Review Table.

A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations (in relation to the exercise of the power or the discharge of the duty (the Act s.5.46 (3))).

Under regulation 19 of the *Local Government (Administration) Regulations 1996*, the delegate must keep written records of when and how they exercise the delegated power or discharge the delegated duty, and the persons or classes of persons affected by the exercise of the power or discharge of the duty; stated as follows:

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

A Certificate of Authority (Identity Card) provided to an authorised person shall commence with the wording as follows:

“This person, whose signature appears on the reverse side, is designated as an Authorised Person, in accordance with Part 2 of the Criminal Procedure Act 2004, charged with the responsibility of exercising the following powers:”

This is in accordance with the *Criminal Procedure Act 2004* which states that a **prescribed Act** means an Act that is prescribed by the regulations made under this Act.

Regulations made under the *Criminal Procedure Act 2004* are called “*Criminal Procedure Regulations 2005*” which, under Schedule 1A – Infringement Notices: prescribed acts exists as follows:

- *Associations Incorporation Act 2015;*
- *Biodiversity Conservation Act 2016;*
- *Building Act 2011;*
- *Building Services (Complaint Resolution and Administration) Act 2011;*
- *Building Services (Registration) Act 2011;*
- *Business Names Act 1962;*
- *Charitable Collections Act 1946;*
- *Chattel Securities Act 1987;*

- *Child Care Services Act 2007;*
- *Companies (Co-operative) Act 1943 3;*
- *Co-operative and Provident Societies Act 1903 3;*
- *Credit Act 1984;*
- *Credit (Administration) Act 1984;*
- *Debt Collectors Licensing Act 1964;*
- *Electricity Act 1945;*
- *Emergency Management Act 2005;*
- *Employment Agents Act 1976;*
- *Energy Coordination Act 1994;*
- *Energy Safety Act 2006;*
- *Fair Trading Act 2010;*
- *Gas Standards Act 1972;*
- *Health (Miscellaneous Provisions) Act 1911;*
- *Health Services Act 2016;*
- *Hire-Purchase Act 1959;*
- *Juries Act 1957;*
- *Land Administration Act 1997;*
- *Land Valuers Licensing Act 1978;*
- *Limited Partnerships Act 2016;*
- *Mining Rehabilitation Fund Act 2012;*
- *Public Health Act 2016;*
- *Real Estate and Business Agents Act 1978;*
- *Residential Tenancies Act 1987;*
- *Retail Trading Hours Act 1987;*
- *Settlement Agents Act 1981;*
- *Street Collections (Regulation) Act 1940;*
- *Sunday Entertainments Act 1979;*
- *Tobacco Products Control Act 2006;*
- *Transport (Road Passenger Services) Act 2018;*
- *Water Services Act 2012; and*
- *Western Australian Meat Industry Authority Act 1976.*

Temporary Appointments of Officers

Where an Officer acts temporarily in a position with delegated power, that person will not need to complete a financial interest return unless they have acted in that position for more than three months.

Definitions

The word “**delegation**” means to ‘grant authority by one party (delegator) to another (delegate) for an agreed purpose (specified in the instrument of delegation).

Terms within the Delegation Register and their definitions are provided in the table below.

Note: These terms are listed in the order in which they appear in individual delegations.

Term	Meaning
“Responsible Officer”	To whom the delegation is being made.
“Responsible Department”	The department the responsible officer is representing.
“Affected Department”	The name the department that is affected by the delegation made to the CEO.
“Affected Officer”	This infers that the responsible officer representing the department named in this “affected department” area has been sub-delegated (from the CEO) the authority to perform the functions contained in the delegation subject to conditions contained within the delegation.
“Legislation delegated directly to the CEO”	This means exactly what it says. If you see this heading in a delegation it will describe what the Act in question has delegated directly to the CEO of the local government.
“Background”	Will be listed where needed to give background information about a specific delegation particularly where an external agency is the head of power and/or record keeper of the authority.
“Statement of Intent”	This will state what the CEO (and where officers are sub-delegated) are being authorised to do through the relevant delegation and the instrument that supports it.
“Powers and Duties”	This states what powers and duties are to be performed by the delegate/s assigned to them through the instrument of delegation. It may also include what they will do or the purpose of the delegation.
“Functions”	This will specify the function the Council (Delegator) performs that the Responsible Officer (Delegate) will perform/exercise through the instrument of delegation, as assigned by the Delegator.
“Delegations made to the CEO from External Agencies”	Will be listed where needed to give information about a specific delegation particularly where an external agency is the head of power and has delegated a power directly to the CEO and/or another officer.
“CONDITIONS”	This area will contain the legislative requirements and conditions upon which the delegation is made.
“Previous Delegation No”	This will contain, where applicable, the previous delegation number prior to a recent review of the Delegation Register.
“Previous Delegation Name”	This will contain, where applicable, the previous delegation’s name prior to a recent review of the Delegation Register.
“Relevant Management Practice”	This will contain, where applicable, any reference to a Planning Scheme, Strategy, or other plan or other relevant document that has been adopted by Council.
“Relevant Local Law”	This will contain, where applicable, the reference to a local law that relates or

Term	Meaning
	provides information on the functions (and exercise) of the delegation.
"Relevant Policy"	This will contain, where applicable, the reference to a policy adopted by Council that relates or provides information on the functions (and exercise) of the delegation.
"Other Relevant References"	This will contain, where applicable, the legislative references used when writing the delegation. This section may be, due to the numbers of references made, expanded into several rows within various delegations to make clear from which Acts or the provisions of the subsidiary legislation the references are taken from.
"File Number"	The File Number listed within each delegation is a where documents are filed in the Shire's hardcopy and/or electronic records system in accordance with Council Policy titled "Record Keeping Policy." Where there have been decisions made under delegated authority, an exercise of the power or the discharge of the duty documentation will be filed against the relevant file number for future reference.
"Record Keeping" (s.5.46 (3))	A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty
"Delegation made by Council to authorise the CEO and/or other employees"	Any authorisation made by Council (even to the CEO) is to be put here. <i>Note: Conditions of the authorisation made by Council to the CEO and/or other employees will be contained within the Conditions of the Delegation.</i>
"Sub-Delegation made by the CEO to other employees"	This will detail the title of position held by a Shire Officer to whom the CEO is able to sub-delegate the power assigned to his/her position through the instrument of delegation by Council (Delegator). If unable to delegate the functions of the delegation to other employees a reference will be made to any legislation that restricts sub-delegation.
"Conditions" in the table at the end of each instrument of delegation	Where the CEO has sub-delegated a function to an employee legislative references will be included, other than those mentioned in the "CONDITIONS" section of the delegation will be included here.
"Appointment of Authorised Officers / Persons"	Each piece of legislation that is a "head of power" will contain detail about to whom appoints an authorised officer or person. Changes in the Local Government Act 1995 have meant that the Chief Executive Officer has been statutorily delegated as the person responsible for appointment of authorised officers or persons in relation to some pieces of legislation. Other heads of power legislation may refer to the Local Government Act 1995, whilst some pieces of legislation that pre-date the Local Government Act will have their own clauses in relation to such appointments. Some duties are able to be acted through and some are not and each delegation states whether this is possible or not.

Term	Meaning
"Adoption Date"	The date that a delegation was adopted through a Council Meeting.
"Last Review Date"	The date that a delegation was last reviewed through a Council Meeting.

Review

Section 5.46 "Register of, and records relevant to, delegations to CEO and employees" of the *Local Government Act 1995*, requires that:

- a. The CEO is to keep a register of the delegations made under this Division to the CEO and to employees;
- b. At least once every financial year, delegations made under this Division are to be reviewed by the delegator; and
- c. A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Note: Each instrument of delegation within the Delegation Register will be signed off by the authorised person(s) when a delegation is adopted, amended, or reviewed.

Record Keeping

When a person or body exercises their "delegated" authority they do so "on behalf" of the delegator and in doing so the person or body exercising delegated authority forms the relevant state of mind to make the decision "on behalf" of the delegator within legislative guidelines related to the exercise of a specific statutory power or duty.

Recordkeeping of decisions made under delegated authority will be in accordance with Section 5.41 of the *Local Government Act 1995*.

Regulation "r.19 Delegates to keep certain records (the Act s.5.46 (3))" of the *Local Government (Administration) Regulations 1996* states that where a power or duty has been delegated under the Act section "s.5.46 (3) Register of, and records relevant to, delegations to CEO and employees of the *Local Government Act 1995*" applies.

When the Authorised Officers are appointed, the Authorised Officer Register is updated with the following detail:

- (a) *Name, Position and Date of Appointment;*
- (b) *Whom the appointment has been made by (e.g., Council or the CEO);*
- (c) *Whether the Authorised Officer holds a primary delegation necessitating the completion of a Primary/Annual Return;*
- (d) *The details of what Acts / legislation the authorisation covers;*
- (e) *The Record No. that will relate to the letter provided to the Authorised Officer upon appointment containing the Conditions/Limitations as specified in Delegation and/or in accordance with the provisions of the relevant Acts and the provisions of the subsidiary legislation; and Date of issue of Identity Card or Certificate of Authorisation.*

AUTHORITY – Chief Executive Officer

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

AUTHORITY 1	Delegations to the CHIEF EXECUTIVE OFFICER
Delegation(s) made by Council:	ES1 <i>Local Government Act 1995 and the Local Government (Miscellaneous Provisions) Act 1960.</i>
	ES2 Execution of Documents As per Council Resolution No. 131/06/21.
	ES3 <i>Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911.</i>
	ES4 <i>Food Act 2008.</i>
	ES5 <i>Building Act 2011.</i>
	ES6 <i>CAT Act 2011.</i>
	ES7 <i>DOG Act 1976.</i>
	ES8 <i>Bush Fires Act 1954.</i>
	ES9 <i>Biosecurity and Agricultural Management Act 2007.</i>
	ES10 Expression of Interest and Tenders.
	ES11 Determine Grant, Sponsorship and Donation Allocations.
	ES12 Lease of Council Buildings.
	ES13 Tenancy Agreements.
	ES14 Contract Formalities.
	ES15 Temporary Road Closures.
	CS1 Payments from Municipal Fund or Trust Fund.
	CS2 Investment of Surplus Funds.
	CS3 Amend Rate Record.
	CS4 Agreement as to payment of rates and service charges.
	CS5 Issue of Writ, Summons or Other Process
	CS6 Power to Defer, Grant Discounts, Waive or Write-off Debts
	CS7 Application for Public Events
	CS8 Consumption of Liquor on local government property
	CS9 Accession of Artefacts into the Museum Collection
	BHS1 Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste.
	BHS2 Issue of Notice of Breach (Fencing).

AUTHORITY 1	Delegations to the CHIEF EXECUTIVE OFFICER
	<p>BHS3 Dealing with Clearing Matters.</p> <p>BHS4 Swimming Pool Inspections.</p> <p>BHS5 Crossing from Public Thoroughfare to Private land or private thoroughfare.</p> <p>AS1 Crossovers.</p> <p>AS2 Private Works on, over or under public places.</p> <p>AS3 Licence to deposit materials on or excavate adjacent to a street.</p> <p>AS4 Dangerous excavation.</p> <p>PD1 Stallholder Applications.</p> <p>PD2 Thoroughfares and Trading in Thoroughfares and Public Places Permits.</p> <p>PD3 Development Application Delegations.</p> <p>PD4 Illegal Development.</p> <p>PD5 Appointment of Authorised Persons – the Shire of Toodyay Local Planning Scheme No. 4.</p> <p>PD6 Deed of Covenant for the Payment of a Developer Contribution.</p> <p>PD7 Caravan Park and Camping Grounds.</p> <p>PD8 Recommendations to the WAPC regarding Applications for Subdivision/Amalgamation or Strata Title.</p> <p>PD9 Clearance of Conditions of Development Approval, or Conditions of Subdivision/ Amalgamation or Strata Title Approval.</p> <p>PD10 Advice to the Department of Planning, Lands and Heritage (DPLH) regarding matters associated with <i>Land Administration Act 1997</i>.</p> <p>PD11 Advising other Regulatory Authorities.</p>
Delegation(s) made by the CEO:	<i>Any Delegations made by the CEO will be recorded in accordance with Local Government (Administration) Regulations (r.19).</i>
Delegation(s) prescribed by legislation:	<p>EA1 Noise Control – Serve Environmental Protection Notices [S65(1)].</p> <p>EA2 Noise Control – Keeping of Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16].</p> <p>EA3 Noise Control – Noise Management Plans – Construction Sites [Reg.13].</p>

AUTHORITY 1	Delegations to the CHIEF EXECUTIVE OFFICER	
	EA4	Delegation to the CEO in relation to the <i>Freedom of Information Act 1992</i> .
	EA5	Delegation to the CEO in relation to the <i>Public Interest Disclosure Act 2003</i> .
	EA6	Delegation to the CEO in relation to the <i>Local Government Act 1995</i> .
	EA7	Delegation to the Environmental Health Officer (EHO) in relation to the <i>Public Health Act 2016</i> .
	EA8	Powers of Entry in an emergency.
	EA9	Development Applications made under the auspices of the <i>Planning and Development Act 2005</i> .
	EA10	Delegation to the Ranger/Pound Keeper in relation to the <i>Biosecurity and Agricultural Management Act 2007</i> .
	EA11	Delegation to Local Government Officers under the <i>Strata Titles Act 1985</i> .

Delegator: Council

Officer Appointed

As per Council Resolution No.

Signature:

.....

Date:

AUTHORITIES- STAFF

The Authorities for the Staff are listed below. After the Council Meeting whereby Council will approve the Delegation Register as per the Officer's Recommendation; Appointment Certificates, containing the authority information, will be sent to staff to sign off and return for filing into the Delegation Register.

AUTHORITY 2		MANAGER CORPORATE & COMMUNITY SERVICES	
Delegation(s) made by Council:	ES2	Execution of Documents	As per Council Resolution No. 131/06/21.
Delegation(s) made by the CEO:	ES10	Expression of Interest and Tenders	
	ES12	Lease of Council Buildings	
	ES13	Tenancy Agreements	
	ES14	Contract Formalities	
	ES15	Temporary Road Closures	
	CS1	Payments from Municipal Fund or Trust Fund	
	CS2	Investment of Surplus Funds	
	CS3	Amend Rate Record	
	CS4	Agreement as to payment of rates and service charges	
	CS5	Issue of Writ, Summons or Other Process	
	CS6	Power to Defer, Grant Discounts, Waive or Write-off Debts	
	CS7	Application for Public Events	
	CS8	Consumption of Liquor on local government property	
	CS9	Accession of Artefacts into the Museum Collection	
Delegation(s) prescribed by legislation:	EA5	Delegation to the CEO in relation to the <i>Public Interest Disclosure Act 2003</i>	
	EA8	Powers of Entry in an emergency	

AUTHORITY 3		ECONOMIC COORDINATOR
Delegation(s) made by Council:	Not applicable	
Delegation(s) made by CEO:	CS1	Payments from Municipal Fund or Trust Fund
	CS8	Application for Public Events
Delegation(s) prescribed by legislation:	EA8	Powers of Entry in an emergency

AUTHORITY 4		MANAGER PLANNING AND DEVELOPMENT
Delegation(s) made by Council:	ES2	Execution of Documents As per Council Resolution No. 131/06/21.
Delegation(s) made by the CEO:	ES5	Delegation to the CEO in relation to the Building Act 2011
	ES10	Expression of Interest and Tenders
	ES12	Lease of Council Buildings
	ES13	Tenancy Agreements
	ES14	Contract Formalities
	ES15	Temporary Road Closures
	CS1	Payments from Municipal Fund or Trust Fund
	BHS2	Issue of Notice of Breach (Fencing)
	BHS3	Dealing with Clearing Matters
	BHS4	Swimming Pool Inspections
	BHS5	Crossing from Public Thoroughfare to Private land or private thoroughfare.
	AS1	Crossovers
	AS2	Private Works on, over or under public places
	AS3	Licence to deposit materials on or excavate adjacent to a street.
	AS4	Dangerous excavation
	CS8	Application for Public Events
	CD2	Consumption of Liquor on local government property
	PD1	Stallholder Applications

AUTHORITY 4		MANAGER PLANNING AND DEVELOPMENT
	PD2	Thoroughfares and Trading in Thoroughfares and Public Places Permits
	PD3	Development and Subdivision Application Delegations
	PD4	Illegal Development
	PD7	Caravan Park and Camping Grounds
	PD8	Recommendations to the WAPC regarding Applications for Subdivision / Amalgamation or Strata Title
	PD9	Clearance of Conditions of Development Approval, or Conditions of Subdivision / Amalgamation or Strata Title Approval
	PD10	Advice to the Department of Planning Lands and Heritage (DPLH) Regarding Matters associated with the Land Administration Act 1997
	PD11	Advising other Regulatory Authorities
Delegation(s) prescribed by legislation:	EA8	Powers of Entry in an Emergency
	EA9	Development Applications made under the auspices of the Planning and Development Act 2005

AUTHORITY 5		MANAGER ASSETS AND SERVICES
Delegation(s) made by Council:	ES2	Execution of Documents As per Council Resolution No. 131/06/21.
Delegation(s) made by CEO:	ES9	Delegation to the CEO in relation to the Biosecurity and Agricultural Management Act 2007
	ES10	Expression of Interest and Tenders
	ES14	Contract Formalities
	ES15	Temporary Road Closures
	CS1	Payments from Municipal Fund or Trust Fund
	CS7	Application for Public Events
	BHS3	Dealing with Clearing Matters
	BHS5	Crossing from Public Thoroughfare to Private land or private thoroughfare.
	AS1	Crossovers
	AS2	Private Works on, over or under public places
	AS3	Licence to deposit materials on or excavate adjacent to a street.

AUTHORITY 5		MANAGER ASSETS AND SERVICES
	AS4	Dangerous excavation
	PD7	Caravan Park and Camping Grounds
Delegation(s) prescribed by legislation:	EA8	Powers of Entry in an emergency

AUTHORITY 6		PLANNING OFFICER
Delegation(s) made by Council:	Not applicable	
Delegation(s) made by CEO:	BHS2	Issue of Notice of Breach (Fencing)
	PD3	Development and Subdivision Application Delegations
	PD8	Recommendations to the WAPC regarding Applications for Subdivision / Amalgamation or Strata Title
	PD9	Clearance of Conditions of Development Approval, or Conditions of Subdivision / Amalgamation or Strata Title Approval
	PD10	Advice to the Department of Planning Lands and Heritage (DPLH) Regarding Matters associated with the Land Administration Act 1997
	PD11	Advising other Regulatory Authorities
Delegation(s) prescribed by legislation:	Not applicable	

AUTHORITY 7		ENVIRONMENTAL HEALTH OFFICER
Delegation(s) made by Council:	Not applicable	
Delegation(s) made by CEO:	ES3	Delegation to the CEO – Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911
	ES4	Delegation to the CEO – Food Act 2008
	BHS1	Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste
	PD1	Stallholder Applications
	PD2	Thoroughfares and Trading in Thoroughfares and Public Places Permits

AUTHORITY 7 ENVIRONMENTAL HEALTH OFFICER	
Delegation(s) prescribed by legislation:	<p>EA3 Delegation to the Environmental Health Officer (EHO) in relation to the Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911</p> <p>EA7 Delegation to the Environmental Health Officer (EHO) in relation to the Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911</p>
AUTHORITY 8 MUSEUM CURATOR	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	CS9 Accession of Artefacts into the Museum Collection
Delegation(s) prescribed by legislation:	Not applicable
AUTHORITY 9 FINANCE COORDINATOR	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	CS1 Payments from Municipal Fund or Trust Fund
Delegation(s) prescribed by legislation:	Not applicable
AUTHORITY 10 FINANCE OFFICER	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	CS1 Payments from Municipal Fund or Trust Fund
Delegation(s) prescribed by legislation:	Not applicable

AUTHORITY 11 FREEDOM OF INFORMATION DIRECTION	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	Designated as an Officer with the responsibility for making decisions in respect to applications made under the FOI Act in accordance with Section 100(1) (b) of the Freedom of Information Act 1992.
Delegation(s) prescribed by legislation	EA4 Delegation to the CEO - <i>Freedom of Information Act 1992</i>

AUTHORITY 12 RANGERS	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by the CEO:	Not applicable
Appointment as Authorised Officer by the CEO:	<p><i>This certifies that this Officer, employed under s.5.36 of the Local Government Act 1995, has been appointed by the CEO as a Prescribed Officer with the authority to exercise the powers of a Ranger / Pound Keeper, Registration Officer; designated as an Authorised Person, in accordance with Part 2 of the Criminal Procedure Act 2004, for the purposes of, and in accordance with Prescribed Acts, including the provisions of those Acts that are specified as follows:</i></p> <ul style="list-style-type: none"> • <i>Animal Welfare Act 2002 (s.65);</i> • <i>Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013;</i> • <i>Bush Fires Act 1954 (s.13, s.14, s.38 and s.59A) and Part V Bush Fire Regs.1954; and Bush Fire (Infringement) Regs.1978 (s.59A(2));</i> • <i>Part IV Caravan Parks and Camping Grounds Act 1995.</i> • <i>CAT Act 2011 (Subdivision 2) & CAT Regs. 2012;</i> • <i>Part IV Dog Act 1976, Dog Regulations 2013; and Dog Amendment Act 2013</i> • <i>Enforcement of Shire of Toodyay Local Laws;</i> • <i>Litter Act 1979 (s.27), and Litter Act Regs. 1981;</i> • <i>Local Government Act 1995; plus, Local Government (Uniform Local Provisions) Regulations 1996; and Local</i>

AUTHORITY 12 RANGERS	
	<p><i>Government (Functions & General) Regulations 1996;</i></p> <ul style="list-style-type: none"> Part XX of the <i>Local Government (Misc. Provisions) Act 1960</i>; and Section 14 <i>Road Traffic (Admin) Act 2008</i>; and Regulation 7(2)(n) <i>Road Traffic (Admin) Regulations 2014</i> <i>Road Traffic (Administration) Act 2008</i>.
Delegation(s) prescribed by legislation:	EA10 Delegation to the Ranger, Pound keeper / Authorised Person in relation to the <i>Biosecurity and Agricultural Management Act 2007</i>

AUTHORITY 13 CESM	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by the CEO:	Not applicable
Appointment as Authorised Officer by the CEO:	<p>This person, whose signature appears on the reverse side, is designated as an Authorised Person, in accordance with Part 2 of the <i>Criminal Procedure Act 2004</i>, and charged with the responsibility of exercising the following powers:</p> <ul style="list-style-type: none"> <i>Bush Fires Act 1954</i> (s.13, s.14, s.38, s.39, s.39A and s.59 and s.59A) and Part V Bush Fire Regs.1954; and <i>Bush Fire (Infringement) Regs.1978</i> (s.59A(2)); Enforcement of Shire of Toodyay Local Laws; <i>Local Government Act 1995</i>; plus, <i>Local Government (Uniform Local Provisions) Regulations 1996</i>; and <i>Local Government (Functions & General) Regulations 1996</i>; Part XX of the <i>Local Government (Misc. Provisions) Act 1960</i>; and Section 14 <i>Road Traffic (Admin) Act 2008</i>; and Regulation 7(2)(n) <i>Road Traffic (Admin) Regulations 2014</i> and <i>Road Traffic (Administration) Act 2008</i>. <p>This Authorised Officer has delegated authority in relation to delegations written below:</p> <ul style="list-style-type: none"> Delegation CS1 Payments from Municipal Fund or Trust Fund (Purchasing—Authorised Signatory on Credit Card)
Delegation(s) prescribed by legislation:	

AUTHORITY 14 WORKS SUPERVISORS AND ENGINEERING TECHNICAL OFFICER	
Delegation(s) made by Council:	Adoption of Policy No. F3 Purchasing Policy.
Delegation(s) made by CEO:	Designated as an Officer with the responsibility for making decisions in respect to authorised to approve purchase orders, contract extensions after a contract is finalised and variations on behalf of the Council within the limits stated provided such proposed purchases are contained within the Budget, are within the officer's area of activity, adhere to the purchasing threshold provisions in section 3 of this policy and subject to delegation ES1 Execution of Documents.
Delegation(s) prescribed by legislation	

AUTHORITY 15 COMMUNITY DEVELOPMENT OFFICER	
Delegation(s) made by Council:	Appointment as Local Recovery Coordinator as per Council Resolution No. 122/05/21
Delegation(s) made by CEO:	Designated as an Officer with the responsibility for being the Local Recovery Coordinator for the Shire of Toodyay who has responsibilities in accordance with the State Emergency Management Committee Guidelines and LRC Memoire.
Delegation(s) prescribed by legislation	

AUTHORITY 16 DEVELOPMENT SUPPORT OFFICER	
Delegation(s) made by Council:	Appointment as Deputy Local Recovery Coordinator as per Council Resolution No. 122/05/21
Delegation(s) made by CEO:	Designated as an Officer with the responsibility for being the Deputy Local Recovery Coordinator for the Shire of Toodyay who has responsibilities in accordance with the State Emergency Management Committee Guidelines and LRC Memoire.
Delegation(s) prescribed by legislation	

Authority Matrix Table by Department

NO.	DELEGATION DESCRIPTION	ADOPTION DATE	LAST REVIEW DATE	SUB-DELEGATIONS				
				CEO	MCCS	MPD	MAS	OTHERS
Executive Services – Delegations to the CEO								
ES1	Local Government Act 1995 and the Local Government (Miscellaneous Provisions) Act 1960	15/03/2007	22/06/2021	⦿	⦿	⦿	⦿	
ES2	Execution of Documents	19/04/2007	22/06/2021	⦿				
ES3	Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911	22/05/2017	22/06/2021	⦿		⦿		⦿
ES4	Food Act 2008	15/03/2007	22/06/2021	⦿				⦿
ES5	Building Act 2011	15/03/2007	22/06/2021	⦿		⦿		
ES6	CAT Act 2011.	15/03/2007	22/06/2021	⦿				
ES7	DOG Act 1976.	15/03/2007	22/06/2021	⦿				
ES8	Bush Fires Act 1954.	18/04/2013	22/06/2021	⦿				
ES9	Biosecurity and Agricultural Management Act 2007	22/05/2017	22/06/2021	⦿			⦿	⦿
ES10	Expression of Interest and Tenders	03/04/2012	22/06/2021	⦿	⦿	⦿	⦿	
ES11	Determine Grant, Sponsorship and Donation Allocations	18/04/2013	22/06/2021	⦿				

NO.	DELEGATION DESCRIPTION	ADOPTION DATE	LAST REVIEW DATE	SUB-DELEGATIONS				
				CEO	MCCS	MPD	MAS	OTHERS
ES12	Lease of Council Buildings	18/04/2013	22/06/2021	⊙	⊙	⊙		
ES13	Tenancy Agreements	18/04/2013	22/06/2021	⊙	⊙	⊙		
ES14	Contract Formalities	18/04/2013	22/06/2021	⊙	⊙	⊙	⊙	
ES15	Temporary Road Closures	24/11/2015	22/06/2021	⊙		⊙	⊙	
Corporate and Community Services								
CS1	Payments from Municipal Fund or Trust Fund	24/11/2005	22/06/2021	⊙	⊙	⊙	⊙	⊙
CS2	Investment of Surplus Funds	24/11/2005	22/06/2021	⊙	⊙			
CS3	Amend Rate Record	22/09/2015	22/06/2021	⊙	⊙			
CS4	Agreement as to payment of rates and service charges	18/04/2013	22/06/2021	⊙	⊙			
CS5	Issue of Writ, Summons or Other Process	24/11/2005	22/06/2021	⊙	⊙			
CS6	Power to Defer, Grant Discounts, Waive or Write-off Debts	24/11/2005	22/06/2021	⊙	⊙			
CS7	Application for Public Events	22/09/2015	22/06/2021	⊙	⊙	⊙		
CS8	Consumption of Liquor on local government property	24/11/2005	22/06/2021	⊙	⊙	⊙		
CS9	Accession of Artefacts into the Museum Collection	27/03/2014	22/06/2021	⊙	⊙			⊙
Building and Health Services Section								

NO.	DELEGATION DESCRIPTION	ADOPTION DATE	LAST REVIEW DATE	SUB-DELEGATIONS				
				CEO	MCCS	MPD	MAS	OTHERS
BHS1	Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste	24/11/2005	22/06/2021	☉				☉
BHS2	Issue of Notice of Breach (Fencing)	27/03/2008	22/06/2021	☉		☉		☉
BHS3	Dealing with Clearing Matters	27/04/2006	22/06/2021	☉		☉	☉	
BHS4	Swimming Pool Inspections	18/04/2013	22/06/2021	☉		☉		☉
BHS5	Crossing from Public Thoroughfare to Private land or private thoroughfare.	18/04/2013	22/06/2021	☉		☉	☉	
Assets and Technical Services Section								
AS1	Crossovers	18/04/2013	22/06/2021	☉		☉	☉	
AS2	Private Works on, over or under public places	18/04/2013	22/06/2021	☉		☉	☉	
AS3	Licence to deposit materials on or excavate adjacent to a street.	18/04/2013	22/06/2021	☉		☉	☉	
AS4	Dangerous excavation	18/04/2013	22/06/2021	☉		☉	☉	
Planning and Development Services Section								
PD1	Stallholder Applications	24/11/2005	22/06/2021	☉		☉		☉
PD2	Thoroughfares and Trading in Thoroughfares and Public Places Permits	24/11/2005	22/06/2021	☉	☉	☉		☉
PD3	Development Application Delegations	24/11/2015	22/06/2021	☉		☉		☉
PD4	Illegal Development	24/11/2015	22/06/2021	☉		☉		

NO.	DELEGATION DESCRIPTION	ADOPTION DATE	LAST REVIEW DATE	SUB-DELEGATIONS				
				CEO	MCCS	MPD	MAS	OTHERS
PD5	Appointment of Authorised Persons – <i>the Shire of Toodyay Local Planning Scheme No. 4.</i>	24/11/2015	22/06/2021	☉				
PD6	Deed of Covenant for the Payment of a Developer Contribution	19/06/2008	22/06/2021	☉				
PD7	Gutters for new buildings in the Central Toodyay Heritage Area	18/02/2014	22/06/2021	☉		☉		☉
PD8	Recommendations to the WAPC regarding Applications for Subdivision/Amalgamation or Strata Title	25/06/2019	22/06/2021	☉		☉		☉
PD9	Clearance of Conditions of Development Approval, or Conditions of Subdivision / Amalgamation or Strata Title Approval	25/06/2019	22/06/2021	☉		☉		☉
PD10	Advice to the Department of Planning, Lands and Heritage (DPLH) regarding matters associated with Land Administration Act 1997	25/06/2019	22/06/2021	☉		☉		☉
PD11	Advising other Regulatory Authorities	25/06/2019	22/06/2021	☉		☉		☉
External Agency Statutory Delegations made direct to Officers								
EA1	Noise Control – Serve Environmental Protection Notices [S65(1)]	24/11/2005	22/06/2021	☉				
EA2	Noise Control – Keeping of Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]	24/11/2005	22/06/2021	☉				
EA3	Noise Control – Noise Management Plans – Construction Sites [Reg.13]	24/11/2005	22/06/2021	☉				☉
EA4	Delegation to the CEO In relation to the <i>Freedom of Information Act 1992</i>	18/04/2013	22/06/2021	☉				

NO.	DELEGATION DESCRIPTION	ADOPTION DATE	LAST REVIEW DATE	SUB-DELEGATIONS				
				CEO	MCCS	MPD	MAS	OTHERS
EA5	Delegation to the CEO in relation to the <i>Public Interest Disclosure Act 2003</i>	22/09/2015	22/06/2021	⊙				
EA6	Delegation to the CEO in relation to the <i>Local Government Act 1995</i> .	22/09/2015	22/06/2021	⊙				
EA7	Environmental Health Officer (EHO) in relation to the <i>Public Health Act 2016</i> and the <i>Health (Miscellaneous Provisions) Act 1911</i>	28/06/2016	22/06/2021	⊙				⊙
EA8	Powers of Entry in an emergency	18/04/2013	22/06/2021	⊙	⊙	⊙	⊙	⊙
EA9	Development Applications made under auspices of the <i>Planning and Development Act 2005</i>	29/06/2016	22/06/2021	⊙		⊙		
EA10	Delegation to the Ranger, Pound keeper / Authorised Person in relation to the <i>Biosecurity and Agricultural Management Act 2007</i>	22/05/2017	22/06/2021	⊙				⊙
EA11	Delegation to Local Government Officers in relation to the <i>Strata Titles Act 1985</i>	22/06/2021	22/06/2021	⊙		⊙		⊙

REVIEW TABLE

The Review Table of the Delegation Register is as follows:

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
1	24/11/2005	Amended	D.2	192/11/05	Completed
2	16/11/2006	Amended	D.4-D.7; D.9-D.15; D.17-D.18; D.20; D.22-D.25	190/11/06	Completed
3	15/11/2007	Amended	D.1-D.2; D.4-D.7; D.10-D.21; D.23-D.27	157/11/07	Completed
4	25/02/2008	Revoked	D.10	204/02/08	Completed
		Amended	D.11	205/02/08	Completed
		Revoked	D.17	206/02/08	Completed
5	8/06/2008	New Delegation	D.29	275/05/08	Completed
6	21/05/2009	Removed	185/01/08	500/05/09	Completed
		Amended	D.6		
		Amended	D.18		
		Amended	D.19		
		Amended	D.20		
		Amended	D.25		
		Amended	D.26		
7	10/12/2009	One off	590/10/09	590/10/09	Completed
8	25/02/2010	Revoked	D.9	644/12/09	Completed
		Amended	D.26	688/02/10	
9	13/05/2010	Amended	D.19; D.23; D.26;	751/05/10	Completed
10	21/06/2011	Amended	D.17	172/06/11	Completed
11	21/02/2012	Amended	D.18	37/02/12	Completed
12	21/02/2012	Amended	D.18	37/02/12	Completed

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
13	29/02/2012	One-off	64/02/12	64/02/12	Completed
14	3/04/2012	New	D.30	107/04/12	Completed
15	19/06/2012	Amended	D.5, D.6, D.12, D.17, D.23	189/06/12	Completed
16	18/04/2013	Reviewed	D.2, D.3, D.4, D.5, D.8, D.11, D.12, D.16, D.18, D.21, D.23, D.27, D.28, D.29, D.30.	114/04/13	Completed
16	18/04/2013	Amended AND Adopted (as amended)	D.1, D.6, D.7, D.13, D.14, D.15, D.17, D.19, D.20, D.25, D.26, D.27, D.36, D.37, D.38, D.39, D.40, D.42, D.43, D.46, D.48, D.52, D.54, D.55, D.57, D.58, D.59.	114/04/13	Completed
16	18/04/2013	Adopted	D.33, D.34, D.35, D.41, D.44, D.45, D.47, D.50, D.51, D.53, D.56.	114/04/13	Completed
16	18/04/2013	Revoked	D.9.	114/04/13	Completed
17	18/04/2013	Adopted	D.61	119/04/13	Completed
18	17/05/2013	Amended	D.1, D.39	CEO Request	Completed
19	17/05/2013	Amended	D.6	CEO Request	Completed
20	31/07/2013	Amended	D.11	CEO request	Completed
21	3/12/2013	Amended	D.13/D.14/D.59	CEO request	Completed
22	18/2/2014	Adopted	D.49	43/02/14	Completed
23	27/05/2014	Adopted	D.60	120/05/14	Completed
24	28/10/2014	Amended	D.26	324/10/14	Completed
25	28/10/2014	TBA	D.62	324/10/14	Completed
26	28/10/2014	TBA	D.63	324/10/14	Completed
27	28/10/2014	TBA	D.64	324/10/14	Completed
28	28/10/2014	REVIEWED (Vn.2)	The whole doc.	324/10/14	Completed
29	11/11/2014	Presented	<i>All Delegations</i>	Council Forum	Completed

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
30	08/09/2015	Presented	<i>All Delegations</i>	Council Forum	Completed
31	22/10/2015	Adopted	<i>All Delegations</i>	187/09/15	Completed
32	17/11/2015	Review	<i>DRAFT Planning Delegations</i>	Added section headings	Completed
33	24/11/2015	Revoke	<i>D.11 and D.17</i>	242/11/15	Completed
34	24/11/2015	Adopted	<i>PD3, PD4 & PD5</i>	242/11/15	Completed
35	24/11/2015	Review	<i>D.28</i>	N/A	Completed
36	February	Review	<i>All Delegations</i>	N/A	Completed
37	23/02/2016	Adopted	<i>ES15</i>	23/02/16	Completed
38	14/06/2016	Presented	<i>All Delegations</i>	Council Forum June 2016	Completed
39	24/05/2016	Reviewed	<i>PD3, PD4, PD5</i>	51/05/16	Completed
40	28/06/2016	Considered	<i>All Delegations</i>	90/06/16	Completed.
41	29/06/2016	External Agency	<i>EA9</i>	N/A	Completed.
42	22/11/2016	Amended	<i>CS1</i>	118/11/16	Completed
43	27/06/2017	Reviewed	<i>All Delegations</i>	106/06/17	Completed
44	22/05/2018	Reviewed /Amended	<i>All Delegations</i>	88/05/18	Completed
45	06/05/2019	Reviewed	<i>All Delegations</i>	Sent email to Mgrs. 6/5/19	Completed
46	25/06/2019	Amended	<i>All Delegations</i>	138/06/19	Completed
47	25/06/2019	Amended	<i>Authorities Section</i>	N/A	Completed
48	23/06/2020	Amended	<i>All Delegations</i>	209/06/20	Completed.
49	4/1/2021	Commenced review of the Delegation Register	<i>Delegations in the Executive Services Section in particular were due to Local Government Act 1995 amendments to subsidiary legislation.</i>	N/A	Completed
50	31/05/2021	Workshopped the delegations with Council	<i>Some delegations were amended and some removed (refer to the June 2021 OCM Attachments)</i>	N/A	Completed

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
51	22/06/2021	Reviewed /Amended	<i>Refer to the June 2021 OCM Report and Amendment Schedule in the attachments to the OCM.</i>	131/06/21	Completed.
52					
53					
54					

SECTION 2 Executive Services (Delegations to the CEO)

ES1 Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960 --- --- Delegation to the CEO -

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, to delegate to the Chief Executive Officer (CEO) the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the legislation stated below:

- *Local Government Act 1995;*
- *Local Government (Miscellaneous Provisions) Act 1960; and*
- *Planning and Development Act 2005, sections 214(2), (3) and (5);*

in accordance with s.5.42 Delegation of some powers and duties to CEO of the *Local Government Act 1995*.

* *Absolute majority required.*

The intent with respect to the above is that the authority will extend to any subsidiary regulations of the legislation specified above, and any *Shire of Toodyay Local Laws* where the head of power is the *Local Government Act 1995*.

Section 2 of the *Local Government (Miscellaneous Provisions) Act 1960* states that the *Local Government Act 1995* applies as if the provisions of this Act were in that Act but in construing the provisions of this Act account is to be taken of the meanings they had before the *Local Government Act 1995* commenced.

POWERS AND DUTIES

This delegation authorises the CEO to:

- appoint fit and proper persons to be a keeper of Pounds, and to also appoint a Ranger or Rangers, in accordance with the *Local Government (Miscellaneous Provisions) Act 1960* section 449.

- exercise the powers given to a local government in respect to Subdivision 2 – Certain provisions about land, in accordance with the *Local Government Act 1995*, section 3.24.
- make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person in accordance with the *Local Government Act 1995* section 9.49B. **Refer to Delegation ES10.**

FUNCTION

Functions specifically performed by the CEO, an Authorised Person that the CEO has been *statutorily delegated to appoint* under s.9.10, and/or an employee of local government in accordance with s.5.44 of the *Local Government Act 1995* are as follows:

Local Government Act 1995 (the Act)

- s.3.18 Performing executive functions;
- s.3.20(1) Performing functions outside district;
- s.3.25 Notices requiring certain things to be done by owner or occupier of land;
- s.3.39 Power to remove and impound;
- s.3.46 Goods may be withheld until costs paid;
- s.3.47A Sick or injured animals, disposal of;
- s.3.50 Closing certain thoroughfares to vehicles;
- s.3.50A Partial closure of thoroughfare for repairs or maintenance;
- s.3.51 Affected owners to be notified of certain proposals;
- s.9.11 Persons found committing breach of Act to give name on demand;
- s.9.16 Notice, giving of to alleged offender;
- s.9.24 Prosecutions, commencing; and
- s.9.29 Representing local government in court.

Local Government (Miscellaneous Provisions) Act 1960

- s.448 Cattle grazing on streets etc. without local government's consent, status of and may be impounded;
- s.449 Pounds, establishing; pound keepers and rangers, appointing;
- s.450 Pounds, pound keepers and rangers, notice and proof of etc.;
- s.455 Pound book, information in and access to etc.;
- s.456 Fees etc. for pound, notice of; and
- s.457 Unclaimed money, how pound keeper and local government to deal with.

Sections 214(2), (3) and (5) of the Planning and Development Act 2005.

- s.214 Illegal development, responsible authority's powers as to.

Refer to Section 7 and PD5.

CONDITIONS

This delegation is subject to the requirements of other legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.*

This delegation does not include those duties referred to in Section 5.43 of the Act.

Under the *Planning and Development Act 2005* a **designated person** in section 228, 229, 230 or 231 means a person appointed under section 234 to be a designated person for the purposes of the section in which the term is used.

Section 234 (2) of the *Planning and Development Act 2005* states that a person who is authorised as a **Designated Person** to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections.

Section 64 (4) "Appointment of Authorised Persons" of the *Animal Welfare Act 2002* states that a person cannot be both an authorised person and an inspector.

ES1 Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960 ---- Delegation to the CEO -	
Relevant Management Practice:	<ul style="list-style-type: none"> Shire of Toodyay's adopted Planning Schemes and Strategies.
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay's adopted Local Laws.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> <i>Local Government Act 1995</i> - Section 3.25 "Notices requiring certain things to be done by owner or occupier of land". Part 3, Division 3 (Subdivision 2 – "Certain Provisions about land") Section 3.24 "Authorising persons under this subdivision"; Part 5, Division 4, Section 5.36 Local Government Employees; and Section 5.42 "Delegation of some Powers and Duties to CEO". Division 2 "Enforcement and legal proceedings" (Subdivision 1 Miscellaneous provisions about enforcement,") Section 9.10 Appointment of authorised persons; Subdivision 4, Part 3 (Division 3 "Executive Functions of Local Governments") Section 3.39 "Power to move and impound"; Part 9, Division 2 "Enforcement and legal proceedings" (Subdivision 1 "Miscellaneous provisions about enforcement") Sections 9.11, 9.13, 9.16, 9.17, 9.18, 9.19 and 9.20.

ES1 <i>Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960 ---- Delegation to the CEO -</i>	
<i>Local Government (Miscellaneous Provisions) Act 1960</i>	<ul style="list-style-type: none"> Section 449. Pounds, establishing; pound keepers and rangers, appointing
Other Relevant References: <i>Local Government (Functions and General) Regulations 1996</i>	<ul style="list-style-type: none"> Part 5 – Owner onus and infringement notices.
File Number: (not an exhaustive list)	<ul style="list-style-type: none"> MAN6 – Appointments of Authorised Officers / Persons; FIN5/RGR7/R1.26, R2.6, R3.4, R4.2/LAW1, LAW7/PAR3, PAR1/DOG 2, DOG4/LIT1
Record Keeping (s.546(3)) <i>List how records of decisions are to be kept by Delegate(s)</i>	<ul style="list-style-type: none"> All decisions taken in respect to infringement notices, or the removal or impoundment of goods are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy. Notices to be given of certain decisions are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Volunteer records are to be kept up to date in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable in accordance with Section 5.43 of the <i>Local Government Act 1995</i>.
Conditions	<ul style="list-style-type: none"> Refer to the Conditions above.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> limited suitability for Acting Through	<ul style="list-style-type: none"> Refer to the Statement of Intent; <i>S.3.39 of the Local Government Act 1995 suitable for Acting Through.</i> <i>Appointment of a Designated person subject to Section 234 of the Planning and Development Act 2005.</i> <i>Refer to the Statement of Intent.</i>
Adoption Date:	15 March 2007
Last Review Date:	22 June 2021

ES2 Execution of Documents

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

BACKGROUND

The *Shire of Toodyay Local Law (Standing Orders) 2008* sets out in clause 20.1 the procedure for the use of Council's Common Seal.

Point (2) of this clause states:

"The common seal may be used only on the authority of the Council, given either generally or specifically, and every document to which the seal is affixed must be signed by the President (unless otherwise authorised by the Council) and by the CEO or a senior employee authorised by the CEO."

Where a discretionary power or duty is assigned in a Local Law to the 'Local Government', the power or duty must be delegated to convey the authority to make decisions.

Section 9.49A (5) of the *Local Government Act 1995* states that a document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by this authorisation.

s.9.49 "Documents, how authenticated" from the *Local Government Act 1995* states that "A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.

Council cannot delegate to the CEO the power under Section 9.49A(4) to authorise a person to sign documents on behalf of the local government (Refer to s.5.43(ha) of the *Local Government Act 1995*).

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b); to delegate to the:

- Chief Executive Officer;
- Manager Assets and Services;
- Manager Planning and Development; and
- Manager Corporate & Community Services

the exercise of any local government (Council) powers or the discharge of any Council duties in accordance with Section 9.49A(4) of the *Local Government Act 1995*.

The intent with respect to the above is that the authority will extend to the *Local Government Standing Orders 2008 Local Law* whose head of power is the *Local Government Act 1995*.

POWER AND DUTIES

This delegation authorises the CEO and other employees to sign documents on behalf of the local government that are necessary, appropriate and directly or indirectly related to the performance of their functions under any written law in accordance with Section 9.49 A (4) (5) and (7) "Execution of Documents" of the *Local Government Act 1995 and the Shire of Toodyay Standing Orders Local Law 2008 (Section 20.1) subject to the conditions of this delegation*.

FUNCTION

Functions specifically performed by the abovenamed Officers, in accordance with s.9.49 and s.9.49A(1) of the *Local Government Act 1995* are as follows:

- To have charge of the common seal of the Shire and be responsible for its safe custody and proper use; and
- To sign documents on behalf of the local government.

CONDITIONS

In terms of application of the Common Seal to documents Officers comply with Section 9.49A (2) and (3) "Execution of Documents" of the *Local Government Act 1995*.

Section 34 "Common seal, unauthorised use of" of the *Local Government (Functions and General) Regulations 1996* states that "a person who affixes the common seal, or a replica of the common seal, of a local government to any document except as authorised by the local government commits an offence."

ES2 EXECUTION OF DOCUMENTS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Part 20.1 – <i>Shire of Toodyay Standing Orders Local Law 2008</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Note: It is intended to bring a draft Executing Documents Policy to Council in due course.</i>
Relevant References:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s.9.49A (1) document executed by person under an authority is permitted to do so by this authorisation. • s.9.49 'documents, how authenticated'

ES2 EXECUTION OF DOCUMENTS	
File Number:	<ul style="list-style-type: none"> MAN10
Record Keeping (s.546(3))	<ul style="list-style-type: none"> A Common Seal Register is to be kept in respect to the use of the Common seal; Use of the Common Seal is to be reported in the Executive Section of the Council Information Bulletin; Signed copies of executed documents, sealed or unsealed, are to be stored in the Shire's Record Keeping System in accordance with the Shire of Toodyay's Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees. "In accordance with S.9.49A(4)"	<ul style="list-style-type: none"> CEO; Manager Corporate & Community Services; Manager Planning and Development; and the Manager Assets and Services
Sub-delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not permitted in accordance with Section 5.43 "Limitations on delegations to CEO" states a local government cannot delegate to a CEO "(ha) the power under section 9.49 A (4) to authorise a person to sign documents on behalf of the local government".
Conditions	<ul style="list-style-type: none"> That where Managers execute documents, the CEO or the Acting CEO, acting as Council's deputy, is to be provided with due notice and opportunity to sight the original document, prior to execution.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> Not applicable.
Adoption Date:	19 April 2007
Last Review Date:	22 June 2021

ES3 Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911 ----- Delegation to the CEO –

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The *Public Health Act 2016*:

- is a Prescribed Act as defined by the *Criminal Procedures Act 2004*; and
- defines an **enforcement agency** and a **public authority** as meaning a local government.

The intent of this delegation is for Council, as a public authority and enforcement agency, to delegate to the Chief Executive Officer (CEO), as Council's Deputy, the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Prescribed Acts* stated below:

- *Health (Miscellaneous Provisions) Act 1911, in accordance with section 26 Powers of local government; and*
- *Public Health Act 2016 in accordance with s.21(1)(b) Enforcement Agency may delegate and s.24 (1) Designation of Authorised Officers of the Public Health Act 2016.*

The intent with respect to the Prescribed Acts mentioned above is that the authority will extend to the regulations or subsidiary legislation of those prescribed acts and the Shire of Toodyay Local Laws where the head of power is either the *Local Government Act 1995*, the *Public Health Act 2016* or the *Health (Miscellaneous Provisions) Act 1911*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise the powers given to a local government and perform the functions of local government in relation to the administration of the *Public Health Act 2016* in accordance with section 16 of the *Public Health Act 2016*.
- appoint one or more persons as Environmental Health Officers in accordance with section 17 of the *Public Health Act 2016* for the purpose of performing the functions of an authorised officer as specified in section 312 of the *Public Health Act 2016*.

- exercise the powers that are conferred or imposed on the enforcement agency and perform the functions of the agency in relation to the administration of the *Public Health Act 2016* in accordance with section 19 of the *Public Health Act 2016*.
- designate a person or class of persons as Authorised Officers for the purposes of the *Public Health Act 2016* in accordance with Section 24 (1) of the *Public Health Act 2016*.
- exercise and discharge all or any of the powers and functions of the local government in accordance with Section 26 of the *Health (Miscellaneous Provisions) Act 1911*.
- exercise the powers given to a local government in respect to Division 2 — Criminal liability in accordance with the *Public Health Act 2016*, section 280.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority and enforcement agency as follows:

Public Health Act 2016

- s.16 Functions of the local government (Division 2);
- s.17 Appointment of Environmental Health Officers;
- s.19 Functions of enforcement agencies;
- s.24 Designation of Authorised Officers;
- s.240 Powers of Authorised Officers;
- s.280 Commencing proceedings; and
- s.312 Environmental Health Officers to be authorised officers for certain purposes.

Health (Miscellaneous Provisions) Act 1911

- s.26 Powers of local government; and
- s.353 Power to take possession of and lease land or premises on which expenses are due.

Refer to Section 7.

CONDITIONS

The appointment of an Environmental Health Officer must be in accordance with Sections 17(1) and 25(1) of the *Public Health Act 2016*.

The delegate (CEO) will issue to each person who is an authorised person a Certificate of Authority in accordance with Section 30 and 31 of the *Public Health Act 2016*.

Section 38 of the *Health (Miscellaneous Provisions) Act 1911* implies that every local government shall, in the prescribed form, during the month of February in every year, and at such other times as the Executive Director, Public Health may direct, report to the Executive Director, Public Health concerning the sanitary conditions of its district, and all works executed and proceedings taken by the local government.

ES3 Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911 -- --- Delegation to the CEO	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay Health Local Law
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> Delegation BHS1
File Number:	<ul style="list-style-type: none"> Property Files and Health Files
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Record of decisions, file notes and memorandums are to be recorded and kept in the appropriate file and/or register in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Environmental Health Officer
Conditions	<ul style="list-style-type: none"> Subject to Section 17 (3) of the <i>Public Health Act 2016</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> Refer to the Statement of Intent
Adoption Date:	22 May 2018
Last Review Date:	22 June 2021

ES4 Food Act 2008 - Delegation to the CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, to delegate to the Chief Executive Officer (CEO) the exercise of any local government (Council) powers or the discharge of any Council duties as an enforcement agency in respect to the *Food Act 2008* in accordance with s.122 (1) of the *Food Act 2008*.

The intent with respect to the above is that the authority will extend to any subsidiary legislation of the legislation specified above, and any Shire of Toodyay Local Laws where the head of power is either the *Local Government Act 1995*, the *Public Health Act 2016* or the *Health (Miscellaneous Provisions) Act 1911*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise the powers that are conferred or imposed on the enforcement agency and perform the functions of the agency in relation to the Division 2 – Functions of Enforcement Agencies and the enforcement of the *Food Act 2008* in accordance with section 118 (2) (b) of the *Food Act 2008*.
- exercise the powers that are conferred or imposed on the enforcement agency and perform the functions of the agency in relation to the Division 3 – Appointments of Authorised Officers and the enforcement of the *Food Act 2008* in accordance with Part 9 and Part 11 of the *Food Act 2008*.
- designate a person or class of persons as Authorised Officers for the purposes of the *Food Act 2008* in accordance with Section 24 (1) of the *Public Health Act 2016*.
- Appoint designated officers for the purposes of the *Food Act 2008* in accordance with Section 126 (13) of the *Food Act 2008*.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority and enforcement agency within the *Food Act 2008* and any subsidiary legislation.

CONDITIONS

To comply with Section 123 (1) "Certificates of Authority" of the *Food Act 2008* and with any condition or limitation imposed under section 119 or 120 of the *Food Act 2008*.

The CEO is to provide each authorised officer appointed with a certificate of authority as an authorised officer. The CEO is responsible for preparation and maintenance of a list of authorised officers appointed.

Section 123 (2) states what the Certificate of Authority must look like whilst Section 123(3) states that an authorised officers or designated persons are required to produce their certificate of authority if asked to do so.

This delegation is subject to the requirements of the *Food Act 2008* and the *Food Act Regulations 2009* as well as the *Department of Health's compliance and enforcement of food legislation in WA*.

Authorised officers and designated persons are also required to perform their delegated duties in accordance with the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

Section 126 (13) of the *Food Act 2008* states that a person who is a designated officer for the purposes of giving infringement notices is not eligible to be a designated officer for the purposes of any of the other subsections of the *Food Act 2008*.

ES4 <i>Food Act 2008</i> ---- Delegation to the CEO-	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References: <i>Food Act 2008</i>	<ul style="list-style-type: none"> Section 65 "Prohibition Orders"; Section 66 "Certificate of clearance to be given in certain circumstances"; Section 67 "Request for reinspection"; Section 70 "Compensation"; Section 110 "Registration of Food business"; Section 112 "Variation of conditions or cancellation of registration of food businesses"; Section 122(1) Appointment of Authorised Officers; Section 125 "Institution of proceedings" and Section 126 (13) Infringement Notices.

ES4 <i>Food Act 2008</i> ---- Delegation to the CEO-	
File Number:	<ul style="list-style-type: none"> • HLT3 / HLT4 / HLT25 / HLT5 / EVT16 / HLT11 / Property File.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Record of decisions, file notes and memorandums are to be recorded and kept in the appropriate file and/or register in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Environmental Health Officer
Conditions	<ul style="list-style-type: none"> • Subject to Section 117(2) of the <i>Food Act 2008</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> • Refer to the Statement of Intent
Adoption Date:	15 March 2007
Last Review Date:	22 June 2021

ES5 Building Act 2011 - Delegation to CEO.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The *Building Act 2011*:

- is a Prescribed Act as defined by the *Criminal Procedures Act 2004*; and
- defines **permit authority** as meaning a local government in whose district the building or incidental structure that is the subject of an application or notice is, or is proposed to be, located.

The *Building Services (Registration) Act 2011*:

- defines **public authority** as meaning a local government.

The intent of this delegation is for Council, as a **public permit authority**, to designate the Chief Executive Officer (CEO) to be an authorised person who will exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Building Act 2011*, in accordance with section 96 (3) of the *Building Act 2011*.

The intent with respect to the Prescribed Act mentioned above is that the authority will extend to the regulations or subsidiary legislation of the prescribed act and the *Shire of Toodyay Local Laws* where the head of power is either the *Local Government Act 1995* or the *Building Act 2011*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise any powers or duties given to a local government as a public permit authority and perform the functions of a public permit authority in relation to buildings and incidental structures located or proposed to be located in the district of the local government in accordance with Section 127(1) of the *Building Act 2011*.
- delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO for the purposes of undertaking the responsibilities of an authorised officer in relation to the exercise of the powers that are conferred or imposed on the permit authority in accordance with Section 127(6A) of the *Building Act 2011*.
- exercise the powers that are conferred or imposed on the permit authority and perform the functions of the public authority in accordance with sections 133, 145A and 191 of the *Building Act 2011*.

FUNCTION

The CEO, as an Approved Officer in accordance with section 70 of the *Building Act 2011*, for the purposes of the *Criminal Procedure Act 2004*, is authorised to undertake or delegate any responsibilities that are conferred or imposed on the public permit authority and to exercise responsibilities of an authorised officer contained within sections of the prescribed act and its subsidiary legislation below.

Building Act 2011

- s.18 Further Information;
- s.19 Certificate of design compliance;
- s.20 Grant of building permit;
- s.21 Grant of demolition permit;
- s.22 Further grounds for not granting an application;
- s.24 Notice of decision not to grant building or demolition permit;
- s.27 (1)&(3) Conditions imposed by permit authority;
- s.32 Duration of building or demolition permit (consider application to extend time);
- s.55 Further information;
- s.56 Certificate of construction compliance;
- s.57 Certificate of building compliance;
- s.58 Grant of occupancy permit, building approval certificate;
- s.60 Notice of decision not to grant occupancy permit or to grant building approval certificate;
- s.62(1)&(3) Conditions imposed by permit authority;
- s.65 Extension of period of duration;
- s.88(3) Finishes of walls close to boundaries;
- s.100 Entry powers;
- s.101 Powers after entry for compliance purposes;
- s.102 Obtaining information and documents;
- s.103 User of force and assistance;
- s.104 Directions generally;
- s.106 Entry warrant to enter place.
- s.110 Building Orders;
- s.111(1) Notice of proposed building order other than a building order (emergency);
- s.117 Revocation of building order;
- s.118 Permit authority may give effect to building order if non-compliance;
- s.133 Prosecutions.
- s.140 Proof of permits, certificates, building orders, declarations, obtained records, approved forms;
- s.191 Notices to stop unlawful work;

Building Regulations 2012

- r.36 Certificate of building compliance (s. 57);
- r.53 Inspection of barrier to private swimming pool;
- r.70 Approved officers and authorised officers;
- r.27 Required inspection and tests: Class 2 to Class 9 buildings (s. 36(2)(a));
- r.28 Required inspection: barrier to private swimming pool (s. 36(2)(a)).

CONDITIONS

This delegation may be subject to any limitations imposed on the powers of an Authorised Person in accordance with section 99 (2)(b) of the *Building Act 2011*.

The statutory power to sub-delegate is limited to Chief Executive Officers in accordance with s.127(6A) of the *Building Act 2011*.

CEO is to be satisfied that an authorised person is suitably qualified in accordance with s.5.36(3) of the *Local Government Act 1995*. An Officer must have the prescribed qualifications to be delegated authority to exercise the functions of this delegation.

An officer to whom this authority is delegated cannot, in accordance with the provisions of the *Building Act 2011*, approve plans in which he/she has an interest.

An officer to whom this authority is delegated must comply with s.131 Inspection, copies of building records.

In relation to the application of s.88(3) Finishes of walls close to boundaries the discretion of an Officer is limited to what is specified within Council Policy. Anything that falls outside this policy shall come to Council for a decision.

ES5 <i>Building Act 2011 – Delegation to the CEO</i>	
Relevant Management Practice:	<ul style="list-style-type: none"> • Shire of Toodyay Record Keeping Plan.
Relevant Local Law:	<ul style="list-style-type: none"> • not applicable
Relevant Council Policy:	<ul style="list-style-type: none"> • Shire of Toodyay Record Keeping Policy.
Relevant References: <i>Building Act 2011</i>	<ul style="list-style-type: none"> • s.6 Permit Authority for a building or incidental structure; • s.96 Authorised persons; • s.127 'Delegation: special permit authorities and local governments; • s.133 Prosecutions; • s.145A Local Government Functions; • s.140 Proof of permits, certificates, building orders, declarations, obtained records, approved forms; • s.191 Notices to stop unlawful work; • s.99 Limitation on powers of authorised person;

ES5 <i>Building Act 2011 – Delegation to the CEO</i>	
	<ul style="list-style-type: none"> • s.100 Entry Powers; • s.102 Obtaining information and documents; • s.103 Use of force and assistance; • s.106 Entry warrant to enter place; • s.133 Prosecutions.
Other Relevant References:	<p>Building Services (Registration) Act 2011</p> <ul style="list-style-type: none"> • r.374AAA Local governments not to issue building licences in certain circumstances. <p>Building Regulations 2012</p> <ul style="list-style-type: none"> • 5A 'Authorised persons (s.3); • r.36 Certificate of building compliance (s. 57); • r.53 Inspection of barrier to private swimming pool; • r.70 Approved officers and authorised officers; • r.27 Required inspection and tests: Class 2 to Class 9 buildings (s. 36(2)(a)); • r.28 Required inspection: barrier to private swimming pool (s. 36(2)(a))
File Number:	<ul style="list-style-type: none"> • LAW1/BLD1/BLD2/BLD6
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • All decisions are to be made in writing and kept on file, in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy; • All decisions are to be recorded in the 'Building' register and reported in the Planning and Development section of the Council Information Bulletin. • the Appointment of Authorised Persons is to be recorded in the Authorised Officer register and reported in the Executive Section of the Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development
Conditions	<ul style="list-style-type: none"> • As per the Instrument of Delegation and the Prescribed Act and subsidiary legislation of the Prescribed Act.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> • As per the Instrument of Delegation and the Prescribed Act and subsidiary legislation of the Prescribed Act.

ES5 <i>Building Act 2011</i> – Delegation to the CEO	
Adoption Date:	23 June 2020
Last Review Date:	22 June 2021

ES6 CAT Act 2011 --- Delegation to the CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a ***prescribed public authority*** under the *Criminal Procedure Act 2004*, to delegate to the Chief Executive Officer (CEO) the exercise of any local government (Council) powers or the discharge of any Council duties as an enforcement agency in respect to the *Cat Act 2011* in accordance with s.44 "Delegation by local government" of the *Cat Act 2011*.

** Absolute majority required.*

The intent with respect to the above is that the authority will extend to any subsidiary legislation of the legislation specified above, and any *Shire of Toodyay Local Laws* where the head of power is either the *Local Government Act 1995*, the *Local Government (Miscellaneous Provisions) Act 1960*, *Public Health Act 2016* or the *Health (Miscellaneous Provisions) Act 1911*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- administer the Shire of Toodyay local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions in accordance with s.42 Administration by local governments of the *CAT Act 2011*.
- exercise any of the local government's powers or the discharge of any of its duties and performance of any of its functions under the *Cat Act 2011* as follows:
 - s.9 Registration;
 - s.10 Cancellation of registration;
 - s.11 Registration numbers, certificates and tags;
 - s.12 Register of cats;
 - s.13 Notice to be given of certain decisions made under Subdivision 2;
 - s.26 Cat control notice may be given to cat owner;
 - s.37 Approval to breed cats;
 - s.38. Cancellation of approval to breed cats;
 - s.39. Certificate to be given to approved cat breeder.
 - s.40. Notice to be given of certain decisions made under this Subdivision.
 - Schedule 3, cl.1(4) Fees Payable (r.11 and 21).

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the prescribed public authority and enforcement agency and in accordance with s.68 of the *Cat Act 2011*, the specific functions delegated to the CEO are as follows:

1. authority to grant, or refuse to grant or renew the registration of a cat under s.9;
2. cancel the registration of a cat under s.10;
3. refuse to approve or renew the approval of a person to breed cats under s.37; or
4. cancel the approval of a person to breed cats under s.38.

The delegation gives authority to the CEO to action or delegate the action (to an authorised person) of the following:

5. give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed under s.11.
6. seize cats under s.27.
7. dispose of cats under s.28.
8. reduce or waive a fee payable in respect of any individual cat or any class of cats within the Shire of Toodyay District under:-
 - i. subclause (2) Fee for application for grant or renewal of the registration of a cat for 3 years; or
 - ii. subclause (3) Fee for application for grant or renewal of the registration of a cat for life.

Note: The powers that an authorised person (authorised by the CEO in accordance with Section 9.10(2) of the *Local Government Act 1995*) would have are detailed in Subdivision 2 of the *Cat Act 2011*.


CONDITIONS

Any objections to the decision that the CEO made on behalf of Council is to be dealt with by Council in accordance with Section 70(1) of the *Cat Act 2011*.

Any approval given to a person to breed cats will be by way of a certificate in the prescribed form under section 39.

This delegation is also subject to the requirements of other Acts and the provisions of any subsidiary legislation, and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

ES6 Cat Act 2011 – Delegation to the CEO	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> CAT Local Law 2018
Relevant Council Policy:	<ul style="list-style-type: none"> Shire of Toodyay's adopted policies.

ES6 <i>Cat Act 2011 – Delegation to the CEO</i>	
Relevant References:	<p>Cat Act 2011</p> <ul style="list-style-type: none"> • s.13 Notice to be given of certain decisions; • s.27 Cats may be seized; • s.37 Approval to breed cats; • s.38 Cancellation of approval to breed cats; • s.39 Certificate to be given to approved cat breeder; • s.40 Notice to be given of certain decisions made under subdivision; • s.42 Administration by local government. • s.44 Delegation by local government; • s.45 Delegation by CEO of local government; • s.46 Other matters relevant to delegations under this division; • s.47 Register, and review of, delegations; • s.49 Authorised person may cause a cat to be destroyed; • s.50 Persons found committing breach of Act to give name on demand; • s.52 General powers of authorised person; • s.62 Giving an infringement notice; • s.73 Prosecutions; • s.79 Local Laws.
File Number:	<ul style="list-style-type: none"> • RGR7
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Approvals and decisions related thereto (including cancellations) or notices are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees In accordance with Section 45(1) and subject to Section 45(3) and (6) of the <i>CAT Act 2011</i> .	<ul style="list-style-type: none"> • Not applicable.
Conditions	<ul style="list-style-type: none"> • Not applicable.
<p>Appointment of Authorised Officers / Authorised Persons</p> <p> Suitable for Acting Through</p>	<ul style="list-style-type: none"> • Refer to the Statement of Intent; • Suitable for Acting through in accordance with 46 (2) of the <i>Cat Act 2011</i>.

ES6 <i>Cat Act 2011 – Delegation to the CEO</i>	
Adoption Date:	15 March 2007
Last Review Date:	22 June 2021

ES7 Dog Act 1976 --- Delegation to the CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, to delegate to the Chief Executive Officer (CEO) the exercise of any local government (Council) powers or the discharge of any Council duties as an enforcement agency in respect to the provisions of the *Dog Act 1976*, in accordance with s.10AA "Delegation of local government powers and duties" of the *Dog Act 1976*:

* Absolute majority required as defined in Section 1.4 of the *Local Government Act 1995*

The intent with respect to the above is that the authority will extend to any subsidiary legislation of the legislation specified above, and any *Shire of Toodyay Local Laws* where the head of power is either the *Local Government Act 1995*, the *Local Government (Miscellaneous Provisions) Act 1960*, *Public Health Act 2016* or the *Health (Miscellaneous Provisions) Act 1911*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- administer the Shire of Toodyay local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions in accordance with s.48 Regulations to operate as local laws and s.11 (1) of the *Dog Act 1976*, in respect to the maintenance of one or more dog management facilities and otherwise to carry out the objects of the *Dog Act 1976*.
- to exercise the local government duty of S.9 in respect to the Administration and enforcement of the provisions of the *Dog Act 1976*.
- make a determination in respect to the keeping of more than 2 dogs, in accordance with the *Shire of Toodyay Dog Local Law*, and the keeping of up to 6 dogs, in accordance with s. 26(2) and (3) of the *Dog Act 1976*. Council may limit the extent of the delegation through policy.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority and enforcement agency within the *Dog Act 1976* and any subsidiary legislation.

Note: The powers that an authorised person (appointed to be an authorised person by the CEO in accordance with Section 11A of the *Dog Act 1976*) would have are contained in the following sections (refer to Division 2, s.61) of the *Dog Act 1976* as follows:

- 12A. Entry of premises;
- 29. Power to seize dogs;
- 33E. Individual dog may be declared to be dangerous dog (declared);
- 33G. Seizure and destruction;
- 38. Nuisance dogs;
- 39. Dogs causing injury or damage may be destroyed.

CONDITIONS

Section 11 (3) "Staff and Services" of the *Dog Act 1976* states that a person who is authorised to exercise any power under this Act shall be furnished with a certificate in the prescribed form evidencing their appointment and shall produce that certificate on being required so to do by a person in respect of whom he exercises, has exercised, or is about to exercise any such power.

This condition is subject to the *Public Health Act 2016* section 31 "Issuing and production of certificate of authority for purposes of other written laws".

Section 10AB "Register of, and review of, delegations" states that the CEO is to keep a register of delegations made under 10AA(1); and further delegations made under the authority of a delegation made under section 10AA(1) of the *Dog Act 1976*.

Section 10AB of the *Dog Act 1976* also states that the delegation register is to be reviewed once every financial year.

ES7 Dog Act 1976 – Delegation to the CEO	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay Dog Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> Admin Policy A.15 Keeping of 3-6 Dogs.

ES7 Dog Act 1976 – Delegation to the CEO	
Other Relevant References:	<p><i>Dog Act 1976 -</i></p> <ul style="list-style-type: none"> • s.10AA Delegation of local government powers and duties; • s.10A Payments to veterinary surgeons towards cost of sterilisation; • s.10AB Register of, and review of, delegations; • s.11 Staff and Services; • s.11A Authorised Persons; • s.14 Register of Dogs; • s.15 Registration periods and fees; • s.16 Registration Procedure; • s.17A If no application for registration made; • s.26 Limitation as to numbers; • s.29 Power to Seize Dogs; • s.31 Control of dogs in certain public places; • s.33E Individual dog may be declared to be dangerous dog (declared); • s.33F Owner to be notified of making of declaration; • s.33H Local government may revoke declaration or proposal to destroy; • s.39 Dogs causing injury or damage may be destroyed; • s.44 Enforcement proceedings; • s.49 Local Laws; • s.61 Authorised Persons. <p><i>Dog (Restricted Breeds) Regulations No. 2 (2002); and Dog Regulations 1976.</i></p>
File Number:	<ul style="list-style-type: none"> • LAW4
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Record of decisions made in respect to the keeping of three to six dogs is to be in writing and kept in the relevant file in accordance with the Shire of Toodyay's Record Keeping Plan and Record Keeping Policy. • Decisions are reported in the Executive Section of the Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.

ES7 <i>Dog Act 1976 – Delegation to the CEO</i>	
Sub-Delegation made by the CEO to other employees subject to Section 10AA (3) of the <i>Dog Act 1976</i> .	<ul style="list-style-type: none"> Not applicable.
Conditions	Dog Act 1976 <ul style="list-style-type: none"> s.11 (3) "Staff and Services"; and s.10AB "Register of, and review of, delegations".
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent; Suitable for Acting through in accordance with 10AA (5) of the <i>Dog Act 1976</i>.
Adoption Date:	15 March 2007
Last Review Date:	22 June 2021

ES8 Bush Fires Act 1954 --- Delegation to the CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a ***prescribed public authority*** under the *Criminal Procedure Act 2004*, to delegate to the Chief Executive Officer (CEO) the exercise of any local government (Council) powers or the discharge of any Council duties in accordance with sections of the *Bush Fires Act 1954* named below:

- Section 38 "Local government may appoint bush fire control officers" (Division 1 – Local Governments - Part IV Control and Extinguishment of bush fires);
- Section 41 "Bush Fire Brigades" (Division 2 – Bush Fire Brigades - Part IV Control and Extinguishment of bush fires);
- Section 50 "Records to be maintained";
- Section 59(3) "Prosecution of Offences" (Part V Miscellaneous);
- Section 59(A) "59A Alternative procedure — infringement notices" (Part V Miscellaneous) of the *Bush Fires Act 1954*.

POWERS AND DUTIES

The exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Bush Fires Act 1954* in accordance with s.48 "Delegation by local governments" of the *Bush Fires Act 1954*.

* *Simple majority.*

FUNCTION

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the performance of any of its functions under the *Bush Fires Act 1954* and the provisions of any subsidiary legislation.

This delegation will also authorise the CEO to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the *Bush Fires Act 1954* and the provisions of any subsidiary legislation including:

- (a) considering allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry-on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings; and
- (b) Issuing of Infringement Notices (i.e., to institute and carry-on proceedings against a person for an offence alleged to be committed against this Act). This delegation will include fire break notices. The term used in the Act is a "Prosecutor".

CONDITIONS

Refer to Section 7 of this Delegation Register.

Section 48 (3) of the *Bush Fires Act 1954* states in relation to the delegation made under this section that "it does not include the power to sub-delegate".

Section 38 (2A) "Local government may appoint bush fire control officer" of the *Bush Fires Act 1954* requires a notice of appointment made under the provisions of 38 (1) to be published at least once in a newspaper circulating in its district.

Section 38 (2E) "Local government may appoint bush fire control officer" of the *Bush Fires Act 1954* requires that the bush fire control officer be issued with a certificate of appointment stating that the person is a bush fire control officer for the purposes of this Act.

Section 41 "Bush Fire Brigades, local government to keep register of" requires that the CEO shall keep a register of bush fire brigades established by it in the form of Form 12 in the Appendix contained in the *Bush Fire Regulations 1954*.

This delegation should be read in conjunction with Delegation ES1 and is subject to other Acts and the provisions of any subsidiary legislation, and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

ES8 <i>Bush Fires Act 1954 – Delegation to the CEO</i>	
Relevant Management Practice:	<ul style="list-style-type: none"> not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> A.21 - Establishment and Operation of Bush Fire Brigades.

ES8 <i>Bush Fires Act 1954 – Delegation to the CEO</i>	
Other Relevant References: <i>Bush Fire Act 1954</i>	<ul style="list-style-type: none"> • Section 48 "Delegation by local governments"; • Section 38 "Local government may appoint bush fire control officers"; • Section 59(3) & (5) "Prosecution of Offences" (Part V Miscellaneous).
Other Relevant References: <i>Bush Fire Act Regulations 1954</i>	<ul style="list-style-type: none"> • Regulation 16 "Term used: authorised officer" (Part IV — Burning during restricted times and prohibited times); • Regulation 24 "Term used: authorised officer" (Part V — Permit to burn proclaimed or declared plants during prohibited burning times); • Section 41 "Bush Fire Brigades" (Division 2 – Bush Fire Brigades - Part IV Control and Extinguishment of bush fires);
Other Relevant References:	<ul style="list-style-type: none"> • <i>Bush Fires (Infringement) Regulations 1978</i>; • <i>Local Government Act 1995</i>.
File Number:	<ul style="list-style-type: none"> • FIR29/COC3/FIR3
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Any decisions made when performing functions in respect to this delegation are to be made in writing and kept in the relevant subject file in accordance with the Shire of Toodyay's Record Keeping Plan; • Relevant Form 12's are to be completed and kept in the relevant file in accordance with the Shire of Toodyay's Record Keeping Plan and Record Keeping Policy; • All decisions in respect to Appointment of Authorised Persons, Fire Control Officers, or Bush Fire Control Officers are to be made in writing and kept on file, in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy; • Certificates of Authority are to be signed by the Authorised Person and the Delegate, copies of which are to be kept on file in accordance with the Shire of Toodyay Record Keeping Plan; and • The Appointment of Authorised Persons is to be recorded in the Authorised Officer register and reported in the Executive Section of the Council Information Bulletin.

ES8 <i>Bush Fires Act 1954 – Delegation to the CEO</i>	
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable in accordance with Section 48 (3) of the <i>Bush Fires Act 1954</i>.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

ES9 Biosecurity and Agricultural Management Act 2007 --- Delegation to the CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate its power as a local government (Council), being both the "public authority" and the "operator" of a non-farming property at which animals are kept, to the Chief Executive Officer (CEO).

POWERS AND DUTIES

The exercise of any local government (Council) powers or the discharge of any Council duties in respect to Section 41 of the *Biosecurity and Agricultural Management Act 2007* and the provisions of any subsidiary legislation, in respect to the operation of a non-farming property at which animals are kept.

* *Simple majority.*

FUNCTION

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the performance of any of its functions under section 41 of the *Biosecurity and Agricultural Management Act 2007* and its responsibilities as an operator of a non-farming property / pound in accordance with the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

Refer to Section 7 - Delegation EA10 for Authorised Person responsibilities.

CONDITIONS

To comply with section 184 Information Sharing of the *Biosecurity and Agriculture Management Act 2007*; and *Biosecurity and Agricultural Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

This delegation should be read in conjunction with Delegation ES1 and is subject to other Acts (section 4 of the *Biosecurity and Agricultural Management Act 2007*); and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

ES9 <i>Biosecurity and Agricultural Management Act 2007 ---- Delegation to CEO</i>	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay Health Local Law; and Shire of Toodyay Pest Plants Local Law
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable
Relevant References: Biosecurity and Agricultural Management Act 2007	<ul style="list-style-type: none"> s.41. Public authority may assist owner or occupier to control declared pest; and S.184 Information Sharing.
Other Relevant References: Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013	<ul style="list-style-type: none"> r.7. Owners and purchasers of stock to be registered. r.10. Non farming property operators to be registered. r.133. Dead stray sheep and goats r.134. Responsibilities of carriers r.137. Responsibilities of property operator if animal dies on or while being moved to property. r.138. Responsibilities of pound operator if no NLIS device applied to animal. r.139. Responsibilities of pound operator if animal born at or while being moved to pound. r.140. Responsibilities of pound operator if NLIS device applied to animal. r.141. Responsibilities of pound operator if animal moved from pound. r.189. When waybill is required
Other Relevant References: <i>Local Government (Miscellaneous Provisions) Act 1960</i>	<ul style="list-style-type: none"> s.449. Pounds, establishing; pound keepers and rangers, appointing
File Number:	<ul style="list-style-type: none"> AGR1, AGR2, AGR3, AGR4
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Signed copies of executed documents are to be recorded and stored in the Shire's Record Keeping System in accordance with the Shire of Toodyay's Record Keeping Plan and Record Keeping Policy..
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Assets and Services
Conditions	<ul style="list-style-type: none"> Not applicable.

ES9 <i>Biosecurity and Agricultural Management Act 2007 ---- Delegation to CEO</i>	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	22 May 2018
Last Review Date:	22 June 2021

ES10 Expression of Interest and Tenders

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the Chief Executive Officer (CEO) and other employees to:

- call tenders for the disposal of impounded goods on behalf of the local government in accordance with s.3.47 “Confiscated or uncollected goods, disposal of” of the *Local Government Act 1995* (the Act); and
- call tenders on behalf of the local government in accordance with s.3.57 “Tenders for providing goods or services” of the Act.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government (Council) powers or the discharge of any Council duties in respect to inviting Expressions of Interest and Tenders in accordance with s.3.47 and s.3.57 of the *Local Government Act 1995* (the Act) and *Local Government (Functions and General) Regulations 1996* (F&G) specified below:

- Regulations 11A “Purchasing Policies for local governments” (Part 4 – Provision of goods and services [Division 1 “Purchasing Policies”]); and
- Regulations 11-24G (Division 2 – Tenders for providing goods or services).

FUNCTION

To exercise any of the local government's powers or the discharge of any of its duties in relation to inviting Expressions of Interest and Tenders in accordance with s.3.47 and s.3.57 of the *Local Government Act 1995* and s.11-24G of the *Local Government (Functions and General) Regulations 1996* as follows:

- call tenders (s.3.57 of the Act and r.11 of F&G);
- call tenders for the disposal of impounded goods (s.3.47 of the Act);
- invite tenders though not required to do so (F&G r.13);
- determine the criteria for accepted tenders (F&G r.14(2a));
- determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender;

- vary tender information after public notice of invitation to tender and before the close of tenders (F&G r.14(5));
- seek clarification from tenderers in relation to information contained in their tender submission (F&G r.18(4a));
- assess, by written evaluation, tenders that have not been rejected, to determine:
 - The extent to which each tender satisfies the criteria for deciding which tender to accept; and
 - accept the tender that is most advantageous;
- decline to accept any tender; and
- accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract.
- make minor variations before entering into a contract (F&G r.20 subject to F&G r.21A)
- use his or her discretion in respect to when to seek expressions of Interest to supply goods or services (F&G r.21);
- consider expressions of interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers (F&G r.23); and
- sell, by calling for expressions of interest, holding of a surplus goods sale at Council's Depot, or any other fair means, items of surplus equipment, materials, tools, et cetera which are no longer required, or are outmoded, or are no longer serviceable. The delegation applies only to items not included on Council's Asset Register.

CONDITIONS

Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30 (3), be disposed of by any means considered to provide best value, provided the process is transparent and accountable.

ES10 EXPRESSION OF INTEREST AND TENDERS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • F.03 - Purchasing; • F.12 - Disposal of Property.

ES10 EXPRESSION OF INTEREST AND TENDERS	
Relevant References:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • S.3.40A “Abandoned vehicle wreck may be taken”; • s.3.43 “Impounded non-perishable goods, court may confiscate”; • s.3.45 “Notice to include warning”; • s.5.94 (u)(i) “Public can inspect certain local government information”; • s.6.8 “Expenditure from municipal fund not included in annual budget”. <p><i>Local Government (Functions and General) Regulations 1996</i></p> <ul style="list-style-type: none"> • Part 4 – Provision of Goods and Services (Division 1 “Purchasing Policies”), Regulation 11A “Purchasing Policies for local governments”. <p><i>Local Government (Administration) Regulations 1996</i></p> <ul style="list-style-type: none"> • r.29 (e) “Information to be available for public inspection (Act s. 5.94)” (Part 7 “Access to information”)
File Number:	<ul style="list-style-type: none"> • TEN (Prefix) (multiple files)
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Tender Register to be kept in accordance with Regulation 17 “Tenders Register” of the <i>Local Government (Functions and General) Regulations 1996</i>. • Tender files for each tender are to be created, containing written evidence of decisions made in respect to Points 1 to 9 of the power / duty to be performed by the Delegate in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy. • Any decision to call for expressions of interest in relation to Point 10 of the power/duty to be performed by the delegate(s) shall be made in writing and kept on a relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy; • When calling for Expressions of Interest in relation to Point 10 records in respect to the holding of a surplus goods sale are to be made and kept on a relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.

ES10 EXPRESSION OF INTEREST AND TENDERS	
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate & Community Services; • Manager Planning & Development; and • Manager Assets and Services .
Conditions	<p><i>Local Government (Functions and General) Regulations 1996</i></p> <ul style="list-style-type: none"> • r.21A. 'Varying a contract for the supply of goods or services'; • r.14(2a) 'Publicly inviting tenders, requirements for; • r.18(4) and r.18(5) 'Rejecting and accepting tenders'; and • Limited delegation of power – r.20 'variation of requirements before entry into contract'. <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 5.43 (a) and (b) 'Limits on delegations to CEO' (i.e., acceptance of tender); • s.9.49B "Contract formalities".
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Limited suitability for Acting Through	<ul style="list-style-type: none"> • Regulation 19, 21(3), 24, 24E(1) and 24E(4) of the <i>Local Government (Functions and General) Regulations 1996</i> suitable for Acting Through. • Refer to Statement of Intent.
Adoption Date:	3 April 2012
Last Review Date:	22 June 2021

ES11 Determine Grant, Sponsorship and Donation Allocations

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the Chief Executive Officer (CEO) to make donations of up to \$500 within budget limitations to a maximum of \$10,000 per annum provided the request is of a local nature.

POWER AND DUTIES

The exercise of any local government (Council) powers or the discharge of any Council duties in respect to s.6.10 "Financial management regulations" of the *Local Government Act 1995* and r.11 "Payments, procedures for making" from the *Local Government (Financial Management) Regulations 1996*.

FUNCTION

This delegation authorises the CEO to make payments from the municipal fund in accordance with the *Local Government (Financial Management) Regulations 1996*.

This delegation will allow for payments to be made from the municipal fund referred to in Section 6.10 "Financial management regulations" of the *Local Government Act 1995*.

CONDITIONS

To comply with the requirements of Delegation CS1.

This delegation is to be exercised only for requests for donations of a local nature that will be of benefit to the community. It may be exercised also where the Shire of Toodyay will act as a host for an event.

Local Nature means a person, community group, business or organisation that lives or operates within the Shire of Toodyay. This term may also extend to a person, community group, business or organisation that, although they are not part of the Toodyay District, as long as what they are providing via an event that will promote the heritage and culture of the district and be of benefit to the community consideration, at the discretion of the CEO, may be given.

All other donation requests in excess of this amount and the budget allocation for donations and/or sponsorship are to be brought back to Council for consideration.

ES11 DETERMINE GRANT, SPONSORSHIP AND DONATION ALLOCATIONS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> F.03 - Purchasing.
Other Relevant References:	<ul style="list-style-type: none"> Refer to Delegation CS1.
File Number:	<ul style="list-style-type: none"> DON1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Include in List of Accounts and/or Financial Statements to be presented at Meetings of Council through its Agenda process.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable in accordance with Section 5.43 of the <i>Local Government Act 1995</i>.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

ES12 Local government property agreements.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

Refer to the background of Delegation CS8.

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b); to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in respect to subdivision 6 – various executive functions of the *Local Government Act 1995*.

The intent with respect to the above is that the authority will extend to the *Local Government Property Local Law* whose head of power is the *Local Government Act 1995*.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the hiring out of local government buildings and/or property in accordance with the provisions of the *Shire of Toodyay Local Government Property Local Law*.

The *Shire of Toodyay's Local Government Property Local Law* defines

Local government property" as meaning anything except a thoroughfare –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the Land Administration Act 1997; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

Building as meaning any building which is local government property and includes a –

- (a) Hall or room;
- (b) Corridor, stairway or annexe of any hall or room; and
- (c) Jetty.

FUNCTION

Functions specifically performed by the CEO as an Authorised Person in accordance with s.5.44 of the *Local Government Act 1995* and/or an employee of local government that the CEO has been *statutorily delegated to appoint* under s.9.10, are as follows:

- approving applications for the hire of local government property;
- Issuing permits for the hiring of local government property;
- Use their discretion in relation to:
 - Whether or not the hire is for the exclusive use of the local government property;
 - Ensuring the indemnification of the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of local government property;
 - Ensuring the indemnification of the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of local government property;
 - Charging any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - waiving or reducing fees contained in the *Shire of Toodyay's Schedule of Fees and Charges* to be imposed upon applicants.
 - Setting limits for the duration of the hire.

This delegation authorises the CEO to exercise discretion in relation to arrangements for the use of and hire of local government buildings and/or property and the fees imposed in respect to arrangements made, subject to the provisions of the *Shire of Toodyay's Local Government Property Local Law* and the *Shire of Toodyay's Schedule of Fees and Charges*.

CONDITIONS

All hire of Council Buildings, reserves and other local government property will be arranged through the Shire of Toodyay's booking procedure.

Long-term bookings of Council owned buildings will require the preparation of user agreements between the Shire of Toodyay (Principal) and Hirer in accordance with s.3.18 of the *Local Government Act 1995*.

ES12 LOCAL GOVERNMENT PROPERTY AGREEMENTS

Relevant Management Practice:

- Not applicable.

ES12 LOCAL GOVERNMENT PROPERTY AGREEMENTS	
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay - Local Government Property Local Law
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 3.18 Performing Executive Functions.
File Number:	<ul style="list-style-type: none"> LEG (Prefix) (multiple files)
Record Keeping (s.546(3))	<ul style="list-style-type: none"> The hire or lease of Council Buildings is done through the bookings system of the Shire of Toodyay and includes User Agreements for Shire facilities; Signed copies of executed documents are to be stored in the Shire's Record Keeping System in accordance with the Shire of Toodyay's Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services; and Manager Planning & Development.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation; and Subject to Section 5.43(d) of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

ES13 Tenancy Agreements

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

Refer to the background of Delegation CS8.

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b); to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in respect to Section 3.58 "Disposing of Property" of the *Local Government Act 1995* (the Act) subject to the conditions of this delegation.

Although Section 3.58(1) states that "dispose" includes to sell, lease, or otherwise dispose of, whether absolutely or not the intent with respect to this delegation is that the authority will only be to lease local government property and arrange tenancy agreements for such leases in accordance with the *Local Government Property Local Law* whose head of power is the *Local Government Act 1995*.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the leasing out of local government property in accordance with s.6.60 Local government may require lessee to pay rent of the *Local Government Act 1995* and the provisions of the *Shire of Toodyay Local Government Property Local Law*.

The *Shire of Toodyay's Local Government Property Local Law* defines

Local government property" as meaning anything except a thoroughfare –

- (d) which belongs to the local government;
- (e) of which the local government is the management body under the Land Administration Act 1997; or
- (f) which is an 'otherwise unvested facility' within section 3.53 of the Act;

FUNCTION

Functions specifically performed by the CEO as an Authorised Person in accordance with s.5.44 of the *Local Government Act 1995* and/or an employee of local government that the CEO has been *statutorily delegated to appoint* under s.9.10, are as follows:

- approving applications for the lease of local government property;
- Preparing an agreement for the leasing of local government property between the Shire of Toodyay (Landlord or Lessor) and a Tenant or Lessee occupying local government premises owned by the Shire of Toodyay; and
- Use their discretion in relation to:
 - Whether or not the lease is for the exclusive use of the local government property;
 - Ensuring the indemnification of the local government in respect of any injury to any person or any damage to any property which may occur in connection with the lease of local government property;
 - Ensuring the indemnification of the local government in respect of any injury to any person or any damage to any property which may occur in connection with the lease of local government property;
 - Setting limits for the duration of the lease.

This delegation authorises the CEO to exercise discretion in relation to arrangements for the lease of local government property and the fees imposed on the lease in respect to arrangements made, subject to the provisions of the *Shire of Toodyay's Local Government Property Local Law* and the *Shire of Toodyay's Schedule of Fees and Charges*.

CONDITIONS

To comply with the entire section of Part IV — Residential tenancy agreements of the *Residential Tenancies Act 1987*.

To comply with section 18 of the *Land Administration Act 1997*.

To comply with section 6.62 of the *Local Government Act 1995*.

ES13 TENANCY AGREEMENTS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay - Local Government Property Local Law</i>

ES13 TENANCY AGREEMENTS	
Relevant Council Policy:	<ul style="list-style-type: none"> F.03 – Purchasing Policy; F.12 Disposal of Property.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 3.58 Disposing of property; and Section 3.18 Performing Executive Functions.
Other Relevant References	<ul style="list-style-type: none"> <i>Land Administration Act 1997.</i> https://www.commerce.wa.gov.au/publications/renting-out-your-property-lessors-guide https://www.commerce.wa.gov.au/consumer-protection/commercial-tenancy-agreements https://www.commerce.wa.gov.au/consumer-protection/rental-forms-and-notices https://www.commerce.wa.gov.au/publications/rent-agreement-form-1aa
File Number:	<ul style="list-style-type: none"> LEG (Prefix) (multiple files).
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Evidence of Determinations to be filed on Agreement's file; and Agreements Register to be updated; Executed documents are to be stored in the Shire's Record Keeping System in accordance with the Shire of Toodyay's Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Assets & Services; and Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation and subject to Section 5.43(d) of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

ES14 Contract Formalities

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the Chief Executive Officer (CEO) and other employees to administer contracts or a contract matter including where the contract is of an operational nature on behalf of the local government in accordance with Section 9.49 B "Contract Formalities" of the *Local Government Act 1995*.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in accordance with the *Local Government (Functions and General) Regulations 1996* pertaining to:

- Exercising contract extension options;
- Variation of requirements before entry into a contract; and
- Varying a contract for the supply of goods or services.

FUNCTIONS

Functions specifically performed by the CEO as an Authorised Person in accordance with s.5.44 of the *Local Government Act 1995* and/or an employee of local government that the CEO has been *statutorily delegated to appoint* under s.9.10, are as follows:

- Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to administer variations to a contract by making minor variations before entering into a contract;
- Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer;
- Authority to approve the exercise of a contract extension option that was included in the original tender specification and existing contract; and
- Authority to assign operational contract management responsibilities via position descriptions or documented procedures.

CONDITIONS

A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.

A decision to vary a tendered contract after entry into the contract [F&G r.21A(a)] must comply with Delegation ES10 Expression of Interest and Tenders and must include evidence that the variation is necessary and does not change the scope of the contract.

A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.

Refer to ES10 Expression of Interest and Tenders delegation.

ES14 CONTRACT FORMALITIES	
Relevant Management Practice:	<ul style="list-style-type: none"> ES10 Expression of Interest and Tenders delegation.
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay Standing Orders 2008
Relevant Council Policy:	<ul style="list-style-type: none"> F.03 - Purchasing Policy; O.05 - CCTV; SP1 - Asset Management; A.18 – Risk Management.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 3.18 Performing Executive Functions; and Section 9.49B "Contract formalities".
<i>Application of S.9.49B</i>	<ul style="list-style-type: none"> <i>Section 9.49B applies to contracts generally and requires that any person making decisions to make, vary or discharge a contract, must do so under the authority of the Local Government. Meaning there must either be; an express Council resolution enabling the CEO to administer the contract OR a contract matter determined under delegation OR the contract is operational in nature and may be administered by the CEO (or officers by Acting Through).</i>
File Number:	<ul style="list-style-type: none"> LEG (Prefix) (multiple files); DIS2 (Plant and Equipment); BLD6 (Building Asset Management).

ES14 CONTRACT FORMALITIES	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Contracts relating to Tenders to be kept on relevant Tender files containing written evidence of determinations, extensions, variations and other relevant evidence of decisions made in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy. Contracts not relating to Tenders to be kept on relevant Agreement files in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services; Manager Planning & Development; and Manager Assets and Services .
Conditions	<ul style="list-style-type: none"> Delegation of power regarding Regulation 20 of the Local Government (Functions and General) Regulations 1996 limited. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. The CEO has discretion to determine any conditions applicable to use of sub-delegated powers and duties.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Refer to Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

ES15 Temporary Road Closures

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

BACKGROUND

The State Traffic Intelligence, Planning and Coordination Unit (STIPCU), along with other agencies is designated the task of vetting and assessing applications regarding approval and district/regional coordination of the following applications from the public, sporting and social groups:

- Order for Road Closure – Section 81 A-F of the *Road Traffic Act 1974*;
- Temporary Suspension of the Road Traffic Act/Regulations- Racing Events under Section 139 of the *Road Traffic (Administration) Act 2008*; and
- Permit to hold a Public Meeting and/or Procession- Section 7 of the *Public Order in Streets Act 1984*.

Information in relation to the above is available via <https://www.police.wa.gov.au/Traffic/Events-on-Roads/Events-and-road-closures>

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the Chief Executive Officer (CEO) to respond to a road closure application within the parameters set out in the Council Policy A.13 Temporary Road Closures, or otherwise refer the matter to Council.

Sections 3.50, 3.51 and 3.52 of the *Local Government Act 1995* are an executive function of Council already delegated to the CEO by Council through Council Policy A.13 Temporary Road Closures. However, the policy does not provide for sub-delegation to other Officers.

POWERS AND DUTIES

This delegation will facilitate the timely processing of road closure applications in accordance with the *Road Traffic Act 1974*; and the *Road Traffic (Events on Roads) Regulations 1991* and to provide prompt written responses to the Western Australian Police in respect to temporary road closure permits.

Under Section 81A-F of the *Road Traffic Act 1974*, an applicant must lodge an application with the local authority and obtain permission before proceeding to other agencies such as Main Roads WA.

FUNCTION

The Shire of Toodyay, as a local authority, is one of the agencies responsible for providing approval for a road closure application prior to it being lodged with the Western Australian Police.

CONDITIONS

The CEO and, in the absence of the CEO, Authorised Officers in accordance with the above delegation are required to:

- (a) record decisions to undertake a road closure;
- (b) record advice to owners/occupiers;
- (c) Record agreements for maintenance of private structures in public thoroughfares /places; and
- (d) Ensure that evidentiary documents that meet the requirements of *Local Government (Administration) Regulations 1996* reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the Shire of Toodyay record keeping system.

Refer to Delegation CS7 and ES1 for further information.

ES15 TEMPORARY ROAD CLOSURES	
Relevant Management Practice:	<ul style="list-style-type: none"> The Shire of Toodyay Code of Conduct.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> A.13 Temporary Road Closures.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Part 3 – Division 3 – Sections s3.50 closing certain thoroughfares to vehicles s3.50 A Partial closure of thoroughfares for repairs or maintenance s3.51 Affected owners to be notified of certain proposals s3.52 Public access to be maintained and plans kept.
File Number:	<ul style="list-style-type: none"> EVT (Prefix) (numerous Event files); TEC1 (Technical Services); TEC3 (Road Construction); TEC5 (Road Safety); Relevant Road Files.

ES15 TEMPORARY ROAD CLOSURES	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Road closures are to be reported in the Council Information Bulletin; and Record decisions to undertake a road closure. Record advice to owners/occupiers. Record agreements for maintenance of private structures in public thoroughfares / places. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the record keeping system in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; Manager Corporate & Community Services; and Manager Assets and Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation; and Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> limited suitability for Acting Through	<ul style="list-style-type: none"> Section 3.50(8) of the <i>Local Government Act 1995</i> suitable for Acting Through.
Adoption Date:	24 November 2005
Last Review Date:	22 June 2021

SECTION 3 Corporate & Community Services

(Delegations to the CEO)

CS1 Payments from Municipal Fund or Trust Fund

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **public authority** under the *Financial Management Act 2006*, to delegate to the Chief Executive Officer (CEO) the exercise of its power to authorise and make payments from the municipal or trust fund (referred to in Section 6.10 "Financial management regulations" of the *Local Government Act 1995*) in accordance with Regulation 12 "Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996*.

POWER AND DUTIES

This delegation authorises the CEO to:

- Develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so in accordance with regulation 11 of the *Local Government (Financial Management) Regulations 1996*.
- Authorise payments from the municipal fund or trust fund in accordance with regulation 12 of the *Local Government (Financial Management) Regulations*.

FUNCTION

The CEO, as an Authorised Officer, will exercise the above powers and perform executive functions in accordance with Part 6 – Financial Management of the *Local Government Act 1995* and will comply with the relevant sections of the *Local Government Act 1995* specified below:

- Section 2.7 (2) (a) and (b);
- Section 6.5 "Accounts and Records";
- Section 6.7 "Municipal Fund"; and
- Section 6.9 "Trust fund".

Note: Payments from the Trust Fund will include, but not be limited to, the release of cash bonds held against Assets and Technical Services.

CONDITIONS

Regulation 12 "Payments from municipal fund or trust fund, restrictions on making" of the *Local Government (Financial Management) Regulations 1996* state the restrictions on making payments from these funds.

All payments are to be made in accordance with the relevant Council Policies.

Section 6.8 "Expenditure from municipal fund not included in annual budget" from the *Local Government Act 1995* states the conditions to be met by the CEO in relation to this delegation.

Regulation 13 "Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* states the conditions to be met by the CEO in relation to this delegation. One of those requirements is that a list of accounts paid by the CEO is to be prepared each month.

CS1 PAYMENTS FROM MUNICIPAL FUND OR TRUST FUND	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> F.02 - Authorised Signatories; F.03 - Purchasing; and F.11 - Corporate Credit Cards.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 2.7(2) (a) and (b); Section 6.5 "Accounts and Records"; Section 6.7 "Municipal fund"; Section 6.8 "Expenditure from municipal fund not included in annual budget"; and Section 6.10 "Financial management regulations".
Other Relevant References: <i>Local Government (Financial Management) Regulations 1996</i>	<ul style="list-style-type: none"> Regulation 8 "Separate bank etc. Accounts required for some money"; Regulation 11 "Payments, procedures for making"; Regulation 12 "Payments from municipal fund or trust fund, restrictions on making"; and Regulation 13 "Payments from municipal fund or trust fund by CEO, CEO's duties as to etc."
File Number:	<ul style="list-style-type: none"> FIN2/FIN3/FIN6

CS1 PAYMENTS FROM MUNICIPAL FUND OR TRUST FUND	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Include in List of Accounts and/or Financial Statements to be presented at Meetings of Council through its Agenda process.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate & Community Services; • Manager Planning and Development; • Manager Assets and Services; • Finance Coordinator; and • Finance Officer.
Conditions	<ul style="list-style-type: none"> • Delegates must comply with the conditions listed in this delegation and with any written procedures approved by the CEO in accordance with Financial Management Regulation 5. • Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO, the Manager Corporate and Community Services or the Manager Assets and Services. • Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	24 November 2005
Last Review Date:	22 June 2021

CS2 Investment of Surplus Funds

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **public authority** under the *Financial Management Act 2006*, to delegate to the Chief Executive Officer (CEO) the exercise of its power to authorise and make payments from the municipal or trust fund (referred to in Section 6.14 "Power to Invest" of the *Local Government Act 1995*) in accordance with Regulation 19C "Investment of money, restrictions on" from the *Local Government (Financial Management) Regulations 1996*.

POWER AND DUTIES

This delegation authorises the CEO to:

- Establish and document internal control procedures to be followed by employees to ensure control over investments in accordance with regulation 19 "Investments, control procedures for" of the *Local Government (Financial Management) Regulations 1996*.
- Invest surplus funds to maximise Council's interest earning capability (referred to in Section 6.14 "Power to Invest" of the *Local Government Act 1995*) in accordance with regulation "r.12 Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996*.

FUNCTION

The CEO, as an Authorised Officer, will exercise the above powers and perform executive functions in accordance with Part 6 – Financial Management of the *Local Government Act 1995* and will comply with regulation 19C Investment of money, restrictions on (Act s. 6.14(2)(a)) when investing money referred to in subsection 6.14 "Power to invest" of the *Local Government Act 1995*.

CONDITIONS

Refer to Delegation CS1.

All investments are to be made in accordance with Finance Policy F.9 Investment of Surplus Funds.

Clause 8 (3) "Separate bank etc. accounts required for some money" from the *Local Government (Financial Management) Regulations 1996* which states that money from different accounts may be placed in a common investment authorised by the Act.

Regulation "r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* requires a list of accounts paid by the CEO is to be prepared each month.

CS2 INVESTMENT OF SURPLUS FUNDS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> A.18 - Internal Control; F.9 - Investment of Surplus Funds; and F.2 - Authorised Signatures.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Subsection 6.14 "Power to invest" (1).
Other Relevant References: <i>Local Government (Financial Management) Regulations 1996</i>	<ul style="list-style-type: none"> Regulation 8 "Separate bank etc. Accounts required for some money"; Regulation "12 Payments from municipal fund or trust fund, restrictions on making"; Regulation "13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." Clause "19 Investments, control procedures for"; and Clause "19C Investment of money, restrictions on (Act s. 6.14(2)(a))."
File Number:	<ul style="list-style-type: none"> BNK2/BNK4
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Include in List of Accounts and/or Financial Statements to be presented at Meetings of Council through its Agenda process.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services.

CS2 INVESTMENT OF SURPLUS FUNDS	
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	24 November 2005
Last Review Date:	22 June 2021

CS3 Amend Rate Record

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **public authority** under the *Financial Management Act 2006*, to delegate to the Chief Executive Officer (CEO) the exercise of its power or the discharge of any of its duties in relation to Part 6, Division 6 “Rates and Services Charges to amend a rate record (referred to in Subdivision 3 – Imposition of rates and service charges of the *Local Government Act 1995*) in accordance with Regulation 55 Rate record, form of etc. (Act s. 6.39(1)) from the *Local Government (Financial Management) Regulations 1996*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with (referred to in Subdivision 3 – Imposition of rates and service charges of the *Local Government Act 1995*) in accordance with Regulation 55 Rate record, form of etc. (Act s. 6.39(2)) from the *Local Government (Financial Management) Regulations 1996*.
- prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the local government's official website in accordance with Section 6.36 (3A) of the *Local Government Act 1995* and regulation 56 Rate notice, content of etc. (Act s. 6.41) of the *Local Government (Financial Management) Regulations 1996*.

FUNCTION

The CEO, as an Authorised Officer, will exercise the above powers and perform executive functions in accordance with Part 6 – Financial Management of the *Local Government Act 1995* and will comply with the relevant sections of the *Local Government Act 1995* specified below:

- Section 6.33 Differential general rates.
- Section 6.35 Minimum payment.
- Section 6.37 Specified area rates.
- Section 6.38 Service charges.
- Section 6.39 (2) Rates Record.

- Section 6.40 Effect of amendment of rate record of the Act.

CONDITIONS

Refer to Delegation CS1.

Service of a rate notice is to be in accordance with Part 6, Division 6, Section 6.41 of the *Local Government Act 1995* and the Shire of Toodyay Finance Policy F.5 Debt Collection.

CS3 AMEND RATE RECORD	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • F.5 - Debt Collection
Other Relevant References: <i>Local Government (Financial Management) Regulations 1996:</i>	<ul style="list-style-type: none"> • Part 5 Rates and Service Charges
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Part 6, Division 6, Sub-division 3 Imposition of rates and service charges.
File Number:	<ul style="list-style-type: none"> • RAT1 (General); • Relevant Property file.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Amendments of rate record(s) to be made in writing and decisions related thereto to be in writing and kept in the relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>

CS3 AMEND RATE RECORD	
Adoption Date:	22 September 2015
Last Review Date:	22 June 2021

CS4 Approval of Payment Arrangement for Payment of Rates and Service Charges

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Departments:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **public authority** under the *Financial Management Act 2006*, to delegate to the Chief Executive Officer (CEO) the exercise of its power or the discharge of any of its duties in relation to Part 6, Division 6 “Rates and Services Charges to make an agreement with a person for the payment of rates or service charges (referred to in Subdivision 4 – Payment of rates and service charges of the *Local Government Act 1995*) in accordance with Part 2 General financial management (s.6.10) of the *Local Government (Financial Management) Regulations 1996*.

POWER AND DUTIES

This delegation authorises the CEO to accept a payment of a rate of service charge due and payable by a person in accordance with an agreement made with a person for the payment of rates or service charges (referred to in Subdivision 4 – Payment of rates and service charges of the *Local Government Act 1995*) in accordance with Section 6.49 Agreement as to payment of rates and service charges of the *Local Government Act 1995*.

FUNCTION

The CEO, as an Authorised Officer, will exercise the above powers and perform executive functions in accordance with Part 6 – Financial Management of the *Local Government Act 1995* and will comply with the relevant sections of the *Local Government Act 1995* specified below:

- Section 6.45 Options for payment of rates or service charges.
- Section 6.49 Agreement as to payment of rates and service charges.
- Section 6.56 Rates or service charges recoverable in court.

CONDITIONS

All necessary measures are to be taken to recover the debt, and all decisions are to be in accordance with Council Policy F.5 Debt Collection.

Refer to Delegation CS1, CS3 and Section 7.

To comply with the regulations when accepting payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person referred to in Part 6, Division 6, Section 6.49 "Agreement as to payment of rates and service charges" of the Act.

CS4 APPROVAL OF PAYMENT ARRANGEMENT FOR PAYMENT OF RATES AND SERVICE CHARGES	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> F.5 - Debt Collection.
Other Relevant References:	<ul style="list-style-type: none"> Part 6, Division 6, Subdivision 4 Payment of rates and service charges [Section 6.49 " Agreement as to payment of rates and service charges"] of the <i>Local Government Act 1995</i>; Part 5 Rates and Service Charges of the <i>Local Government (Financial Management) Regulations 1996</i>.
File Number:	<ul style="list-style-type: none"> RAT1 (General); Relevant Property file.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Decisions and matters related thereto are to be made in writing and kept in the relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
<input checked="" type="checkbox"/> Suitable for Acting Through	

CS4 APPROVAL OF PAYMENT ARRANGEMENT FOR PAYMENT OF RATES AND SERVICE CHARGES	
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

CS5 Issue of Writ, Summons or Other Process

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the Chief Executive Officer (CEO) to:

- Take possession of land and hold the land as against a person having an estate or interest in the land where any rates or service charges in respect of the rateable land have been unpaid for at least three years [s.6.64 (1)].
- Lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64 (3)].

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the recovery of overdue unpaid rates as well as the costs of proceedings, if any, for that recovery, incurred in a court of competent jurisdiction. As part of the legal recovery of rates and charges in court, documents such as summonses and warrants are required to be duly authorised.

FUNCTION

To issue summonses without continual reference back to Council referred to in section 6.56 "Rates or Service Charges recoverable in Court" of the *Local Government Act 1995*.

To comply with Section "6.64 (1) and (3) "Actions to be Taken" from the *Local Government Act 1995* and Finance Policy F.5 Debt Collection.

CONDITIONS

Regulation "r.12 Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996* states that a payment may only be made from the municipal fund or the trust fund if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO.

Regulation "r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* requires a

list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared.

Refer to CS1, CS3 and CS4.

CS6 ISSUE OF WRIT, SUMMONS OR OTHER PROCESS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> F.05 - Debt Collection; and F.02 - Authorised Signatures.
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government Act 1995</i> - Part 6, Division 6, Sub-division 4 Payment of rates and service charges; and <i>Local Government (Financial Management) Regulations 1996</i>: Part 5 Rates and Service Charges.
File Number:	<ul style="list-style-type: none"> RAT9
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Issues of writ, summons or other processes performed are to be in writing and kept on the relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services
Conditions	<ul style="list-style-type: none"> In accordance with the conditions of this delegation; and Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	24 November 2005
Last Review Date:	22 June 2021

CS6 Power to Defer, Grant Discounts, Waive or Write-off Debts

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Departments:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **public authority** under the *Financial Management Act 2006*, to delegate to the Chief Executive Officer (CEO) the exercise of its power to defer, grant discounts, waive or write off debts referred to in Part 6, Division 4, Section 6.12 "Power to defer, grant discounts, waive or write off debts" of the *Local Government Act 1995*.

POWER AND DUTIES

This delegation authorises the CEO to defer, grant discounts, waive or write off debts referred to in Part 6, Division 4, Section 6.12 "Power to defer, grant discounts, waive or write off debts" of the *Local Government Act 1995*.

FUNCTION

This delegation provides authority to the Chief Executive Officer (CEO) to:

1. Waive a debt or grant a concession in relation to any amount of money owed to the Shire of Toodyay; and
2. Write off any amount of money which is owed to the Shire of Toodyay; and
3. Determine conditions to be applied to waive, grant a concession or write-off money owed to the Shire.
4. consider and use discretion in relation to applications received, requesting that fees in the Schedule of Fees and Charges be waived and/or that discounts be granted.

CONDITIONS

The CEO may write off amounts of up to \$2,000 .

CS6 POWER TO DEFER, GRANT DISCOUNTS, WAIVE OR WRITE-OFF DEBTS

CS6 POWER TO DEFER, GRANT DISCOUNTS, WAIVE OR WRITE-OFF DEBTS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> F.05 - Debt Collection; and F.22 COVID-19 Financial Hardship.
Other Relevant References:	<ul style="list-style-type: none"> Part 6, Division 4, s.6.12 "Power to defer, grant discounts, waive or write off debts" of the <i>Local Government Act 1995</i>; Annual Budget Part 3, regulation 26 "Discounts for early payment etc., information about required" from the <i>Local Government (Financial Management) Regulations 1996</i>; and Financial Reports Part 4, regulation 42 Discounts for early payment etc., information about in annual financial report from the <i>Local Government (Financial Management) Regulations 1996</i>.
File Number:	<ul style="list-style-type: none"> RAT5 (Debt Collection); and RAT6 (Write-Offs).
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Details of decisions to be recorded in appropriate file or financial record in accordance with the Shire of Toodyay Record Keeping Policy and Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions of this delegation and subject to Section 5.43 (ha) of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	22 June 2021

CS7 Application for Public Events

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Community Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the Chief Executive Officer (CEO) to:

- approve applications and issue permits for events on behalf of the local government in accordance with Section 5.41 "Functions of CEO" of the *Local Government Act 1995* (the Act); and
- vary the requirements of Council Policy A11 Applications for Public Events where it is considered that full compliance with the policy is impractical or a variation is warranted in the circumstances of the proposed event so long as variations to the policy do not contravene the requirements set through regulatory legislation.

POWERS AND DUTIES

To exercise any of the local government's powers or the discharge of any of its duties in relation to managing the day-to-day operations of the local government in accordance with Section 5.41 "Functions of CEO" of the Act subject to the requirements of legislation and regulations and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

FUNCTION

To comply with the *Local Government (Uniform Local Provisions) Regulations 1996*.

CONDITIONS

All decisions relating to applications for a Public Event are to be made subject to and in accordance with the Shire of Toodyay's "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law" and "Local Government Property Local Law" together with relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the Act.

Local government plays a key role for all public events and is an integral part of the risk management process. Local government has a responsibility to ensure that events cause

the minimum inconvenience and harm to the community. They must also consult with the WA Police and other authorities to ensure that any policing issues are addressed.

CS7 APPLICATION FOR PUBLIC EVENTS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law; Local Government Property Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> A.11 – Applications for Public Events; A.13 – Temporary Road Closures Policy; A.14 – Trading in Thoroughfares and Public Places; LPP.24 – Directional Signage & Signage within Thoroughfares; LPP. 12 – Alfresco Dining
Other Relevant References:	<ul style="list-style-type: none"> Not applicable.
File Number:	<ul style="list-style-type: none"> EVT (Prefix) multiple files
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Applications and matters related thereto to be made in writing and kept on relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Assets and Services; Planning and Development; and Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	22 September 2015
Last Review Date:	22 June 2021

CS8 Consumption of Liquor on local government property

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate and Community Services
Responsible Officer:	Manager Corporate & Community Services

BACKGROUND

The Shire of Toodyay "*Local Government Property Local Law*" was gazetted on 25/10/2001 in accordance with Section 3.5 "Legislative Powers of Local Governments" and Section 3.12 "Procedure for making Local Laws" of the *Local Government Act 1995*.

The Shire of Toodyay "*Local Government Property Local Law*" states that the Head of Power in relation to this delegation is the *Liquor Control Act 1988* (formerly named the *Liquor Licensing Act 1988*).

Section 37 "Pre-requisites for grants of licences etc.; conditions on licences" from the *Liquor Control Act 1988* states that the local government is a "Public Body", and as such local governments have the power under this Act to properly control the consumption of liquor on local government property.

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b); to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in respect to Section 37 "Pre-requisites for grants of licences etc.; conditions on licences" from the *Liquor Control Act 1988*.

The intent with respect to the above is that the authority will extend to the *Local Government Property Local Law* whose head of power is the *Local Government Act 1995*.

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to advising, approving and properly controlling the consumption of liquor on local government property, subject to the applicants being advised of restrictions contained in the *Liquor Control Act 1988* and relevant Council Policies.

FUNCTION

Functions specifically performed by the CEO as an Authorised Person in accordance with s.5.44 of the *Local Government Act 1995* and Clauses 3.15 and 3.16 of the *Local Government Property Local Law* are as follows:

- approving applications for the consumption of liquor on local government property;
- Issuing permits for possession and consumption of liquor on local government property;
- Use their discretion in relation to whether to waive or reduce fees contained in the *Shire of Toodyay's Schedule of Fees and Charges* to be imposed upon applicants.
- preventing the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Licensing Act 1988* for that purpose.

CONDITIONS

All decisions relating to granting a permit are subject to and in accordance with the *Shire of Toodyay's "Local Government Property Local Law"* and relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the *Local Government Act 1995*.

CS9 CONSUMPTION OF LIQUOR ON LOCAL GOVERNMENT PROPERTY	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's "Local Government Property Local Law"</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>A.11 - Applications for Public Events; and</i> • <i>A.14 - Trading in thoroughfares and public places.</i>
Other Relevant References:	<ul style="list-style-type: none"> • Section 37 "Pre-requisites for grants of licences etc.; conditions on licences" from the <i>Liquor Control Act 1988</i>; • Section 122 "Regulated premises, offences as to juveniles" of the <i>Liquor Control Act 1988</i>;

CS9 CONSUMPTION OF LIQUOR ON LOCAL GOVERNMENT PROPERTY	
Other Relevant References - <i>continued</i>	<ul style="list-style-type: none"> Policy titled "Exemptions to the Liquor Control Act 1988" (Effective: 18 July 2011 and last amended 2 July 2019) by the Department of Local Government, Sport and Cultural Industries whose responsibility it is to provide guidance on the specific circumstances whereby the sale, supply and consumption of liquor is exempt from the application of the Act under the <i>Liquor Control Regulations 1989</i> ('the regulations') and in accordance with the <i>Liquor Control Act 1988</i>.
File Number:	<ul style="list-style-type: none"> MEM1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Applications and matters related thereto are to be made in writing and kept on a relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy; Report in the Executive Services Section of the monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; and Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>☑ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	22 June 2021

CS9 Accession of Artefacts into Museum Collection

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate and Community Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the Chief Executive Officer (CEO) to approve the acquisition of and deaccession of objects to and from the Museum Collection.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to carrying out the recommendations made by Council who have considered the Museum Advisory Committee recommendation(s) in accordance with the provisions of Council Policy A.17 Consideration of Committee Recommendations.

FUNCTION

To comply with the provisions of the *Shire of Toodyay's Council Policy O.4 Museum Collection and Conservation Management*.

CONDITIONS

There are no other conditions other than mentioned above.

CS9 ACCESSION OF ARTEFACTS INTO MUSEUM COLLECTION	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> O.4 - Museum Collection and Conservation Management; and A.17 - Consideration of Committee Recommendations.
Relevant References:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> Section 3.18 Performing Executive Functions.

CS9 ACCESSION OF ARTEFACTS INTO MUSEUM COLLECTION	
File Number:	<ul style="list-style-type: none"> HER10.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Minutes of Museum Advisory Committee Meetings are to be where the consideration of items into and out of the Museum Collection are recorded. Decisions made by the Delegators will require the creation of an electronic record in the Museum Collection database that would have its own unique identifiable number in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy. The Museum Curator would find a place for items to be stored and make a record of that place on the above electronic record.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Museum Curator.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Refer to Statement of Intent.
Adoption Date:	27 May 2014 (<i>Council Resolution 120/05/14</i>)
Last Review Date:	22 June 2021

SECTION 4 Development Services (Delegations to CEO)

BHS1 Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as an **enforcement agency** and a **public authority** under the *Public Health Act 2016*, having delegated to the Chief Executive Officer (CEO), as Council's Deputy, the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Prescribed Acts* stated below:

- *Health (Miscellaneous Provisions) Act 1911*, in accordance with section 26 Powers of local government; and
- *Public Health Act 2016* in accordance with s.21(1)(b) Enforcement Agency may delegate and s.24 (1) Designation of Authorised Officers of the *Public Health Act 2016*.

The intent with respect to the Prescribed Acts mentioned above is that the authority will extend to the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise of any local government (Council) powers or the discharge of any Council duties in respect to s.24 of the *Public Health Act 2016* including the provisions of any subsidiary legislation.
- To approve applications for septic tanks and other alternate effluent disposal treatment systems that are compliant with the *Health (Miscellaneous Provisions) Act 1911* and relevant provisions of any subsidiary regulations.
- appoint persons or classes of persons as a designated officer for the purpose of fulfilling prescribed functions within the *Public Health Act 2016* and the provisions of any subsidiary legislation.
- instigate appropriate action in a timely and efficient manner relating to breaches of the Shire of Toodyay Local Planning Scheme No. 4.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority and enforcement agency as follows:

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

- Regulation 4(3) (a) – grant approval subject to form and conditions set out by Council;
- Regulation 4(3) (b) – refuse to grant approval;
- Regulation 10(2) – (relating to approvals);
- Regulation 10(4) (b) – (relating to approvals);
- Regulation 22(2) (a) – (relating to appeals); and
- Regulation 22(2) (b) – (relating to appeals).

CONDITIONS

Refer to Delegation ES3. The Health (Miscellaneous Provisions) Act 1911 is the Head of Power of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

To comply with s.25 'Certain Authorised officers required to have qualifications and experience' of the *Public Health Act 2016*.

Section 38 of the *Health (Miscellaneous Provisions) Act 1911* states that every local government shall, in the prescribed form, during the month of February in every year, and at such other times as the Chief Health Officer may direct, report to the Chief Health Officer concerning the sanitary conditions of its district, and all works executed and proceedings taken by the local government.

Refer to Delegation EA7.

BHS1 APPLICATIONS FOR TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT AND LIQUID WASTE	
Relevant Management Practice:	<ul style="list-style-type: none"> • Local Planning Scheme No 4.
Relevant Local Law:	<ul style="list-style-type: none"> • Health Local Law 2017.

BHS1 APPLICATIONS FOR TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT AND LIQUID WASTE	
Relevant Council Policy:	<p><u>Local Planning Policies:</u></p> <ul style="list-style-type: none"> • LPP09 – Amendments to the Shire's local planning scheme; • LPP10 – Temporary on-site accommodation during construction of a dwelling; • LPP16 – Transported and Relocated dwellings; • LPP17 – Extracts Industrial Area Policy; • LPP18 – Glencoe Estate Design Guidelines; and • LPP25 – Dams.
Other Relevant References:	<ul style="list-style-type: none"> • <i>Health (Miscellaneous Provisions) Act 1911;</i> • <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;</i> • <i>Twelfth Report of Joint Standing Committee on delegated legislation in relation to the treatment of sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No 2) 1993;</i> • <i>Application to construct or install an apparatus for treatment of sewage.</i>
File Number:	<ul style="list-style-type: none"> • HLT17
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Approvals for applications for septic tanks and other alternate effluent disposal treatment systems (and matters related thereto) are to be kept in a relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy; • Reported in monthly Council Information Bulletin; and • All decisions in respect to Appointment of Authorised Persons are to be made in writing and kept on file, in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Environmental Health Officer.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> • Not applicable.

BHS1 APPLICATIONS FOR TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT AND LIQUID WASTE	
Adoption Date:	24 November 2005
Last Review Date:	22 June 2021

BHS2 Issue of Notice of Breach (Fencing)

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The *Land Administration Act 1997*:

- is a Prescribed Act as defined by the *Criminal Procedures Act 2004*; and
- defines a **public authority** as meaning a local government.

The intent of this delegation is for Council, as a public authority to delegate to the Chief Executive Officer (CEO), as Council's Deputy, the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the enforcement of the Shire of Toodyay Local Laws Relating to Fences Act 1961, written in accordance with section 24 of the *Dividing Fences Act 1961*.

POWERS AND DUTIES

This delegation authorises the CEO to issue and serve a 'notice of breach' for non-conformance within the requirements of the *Shire of Toodyay Local Laws relating to Fencing 1999*.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority within the requirements of the *Shire of Toodyay Local Laws relating to Fencing 1999*.

CONDITIONS

To comply with the *Shire of Toodyay Local Laws relating to Fencing 1999*.

This delegation is subject to the express provisions of the *Local Government Act 1995*, and the Shire of Toodyay's adopted schemes, codes, policies and practices.

BHS2 ISSUE OF NOTICE OF BREACH (FENCING)	
Relevant Management Practice:	<ul style="list-style-type: none"> • Local Planning Scheme No 4.

BHS2 ISSUE OF NOTICE OF BREACH (FENCING)	
Relevant Local Law:	<ul style="list-style-type: none"> Local Government Property Local Law; and Local Laws Relating To Fencing.
Relevant Council Policy:	<p><u>Local Planning Policies:</u></p> <ul style="list-style-type: none"> LPP05 – Foggarthorpe Design Guidelines; LPP26 – Subdivision Development Guidelines; LPP18 – Glencoe Estate Design Guidelines; LPP20 – Central Toodyay Heritage Area; LPP21 – Landscaping Plans; LPP01 – Signage Outside the Central Toodyay Heritage Area.
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government Act 1995 – Section 5.42 "Delegation of some Powers and Duties to CEO";</i> <i>Dividing Fences Act 1961;</i> <i>Building Services (Registration) Regulations 2011;</i> <i>Local Government (Building Surveyor) Regulations 2008;</i> <i>Land Administration Act 1997;</i> <i>Vermin Act 1918;</i> <i>Bush Fires Act 1954.</i>
File Number:	<ul style="list-style-type: none"> LAW6
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Details of notices recorded on the appropriate file or register in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy; and Reported in Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; and Planning Officer
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
<p>Appointment of Authorised Officers / Authorised Persons</p> <p><input checked="" type="checkbox"/> Suitable for Acting Through</p>	<ul style="list-style-type: none"> Refer to Statement of Intent; and Section 3.26(2) of the <i>Local Government Act 1995</i> is suitable for Acting Through.

BHS2 ISSUE OF NOTICE OF BREACH (FENCING)	
Adoption Date:	<ul style="list-style-type: none">27 March 2008
Last Review Date:	<ul style="list-style-type: none">22 June 2021

BHS3 Dealing with Clearing Matters

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

BACKGROUND

The Department of Water and Environmental Regulation (DWER) is responsible for administering the native vegetation clearing provisions. The Department of Mines and Petroleum (DMP) has delegated authority under Section 20 of the *Environmental Protection Act 1986* (the EP Act) to administer the clearing provisions for mining and petroleum activities regulated under the *Mining Act 1978*, various petroleum laws and activities under State agreements.

A local government is a public authority who, under the authority of a written law administers or carries on for the benefit of the State, or any district or other part thereof, a social service or public utility.

The EP Act and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Regulations)* provides details on the clearing provisions as well as information on clearing processes under the assessment bilateral agreement under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the Chief Executive Officer (CEO) to provide written comment for clearing applications under the *Shire of Toodyay's Local Planning Scheme No 4* and to provide written advice to the Department of Environment and Conservation on applications for clearing permits, based on the following criteria:

1. Support of applications to clear land will be granted in the following circumstances:
 - (a) Clearing of trees or vegetation that are dangerous i.e., constituting a threat to life or property;
 - (b) Clearing of trees or vegetation that are not native to the region or have been commercially grown;
 - (c) Clearing of land within two metres of infrastructure, such as power lines, sewer, water mains, stormwater drains etc. where the vegetation is likely to damage or disrupt this infrastructure;

- (d) Clearing of land that is occurring as part of a native tree replanting programme or other rehabilitation project approved by Council;
 - (e) An area up to two metres in width for a fence line that is being established as a new property boundary or to support legitimate farming practices;
 - (f) Clearing of land for a building site, either to the maximum size of an approved building envelope shown on a development plan or plan or subdivision or to the extent required for the proposed buildings;
 - (g) Clearing of land to provide access to a building site, where the access track has a maximum width of six metres;
 - (h) Clearing of land for pasture, grazing or other farming activities in the Rural or Rural Living zones of *Local Planning Scheme No 4* where such clearing complies with all provisions of Council's Local Planning Scheme, the Local Planning Strategy and any other adopted policy;
 - (i) The clearing of land to collect firewood, to obtain fencing or farming materials, for woodwork or the clearing of isolated trees where the requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* for these activities are achieved; and/or
 - (j) The total area of clearing for all activities does not exceed more than 5ha in any financial year.
2. Applications to clear land will not be supported in the following circumstances:
- (a) Where the proposed area to be cleared is situated within fifty metres of any major watercourse and/or within the designated flood way and flood fringe for the Avon River;
 - (b) The clearing of land for a building site greater than the extent required for the proposed buildings or outside of a defined building envelope; and/or
 - (c) Where the clearing of land will likely have a significant negative impact upon the environment and/or landscape of an area.
3. Applications to clear land in the following circumstances will be referred to Council for determination:
- (a) Any proposal which does not meet the criteria detailed in Parts (1) or (2);
 - (b) Applications to clear land in areas where the topography of the land raises concerns regarding the potential negative impacts of the proposed clearing activities.

POWERS AND DUTIES

This delegation will facilitate the timely processing of applications to clear land under the *Shire of Toodyay's Local Planning Scheme No 4* and to provide prompt written responses to the DWER on applications for clearing permits.

FUNCTION

Under Section 51B (4) of the *Environmental Protection Act 1986*, DWER will consult with any public authority which has an interest in a matter. In relation to clearing permits this includes the local government.

The CEO is to provide input when the proposed clearing falls within the Statement of Intent parameters or otherwise refer the matter to Council.

CONDITIONS

Section 72 of the *Planning and Development Act 2005* refers to a local government's ability to prepare and adopt a local planning scheme.

Part 1, Section 4 of the *Planning and Development Act 2005* states that the local government is a responsible authority, except as provided in regulations made under section 171A (2) (a) that means, in relation to a local planning scheme or local interim development order, that the local government is responsible for the enforcement of the observance of the scheme or order, or the execution of any works which under the scheme or order, or this Act, are to be executed by a local government.

BHS3 DEALING WITH CLEARING MATTERS	
Relevant Management Practice:	<ul style="list-style-type: none"> Local Planning Scheme No 4.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<u>Local Planning Policy</u> <ul style="list-style-type: none"> LPP26 - Subdivision Development Guidelines.
Other Relevant References:	<ul style="list-style-type: none"> <i>Environmental Protection Act 1986</i>; <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Regulations)</i>; and <i>Planning and Development Act 2005</i>.
File Number:	<ul style="list-style-type: none"> TEC32.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Determinations in respect to application (and correspondence relating to any matters thereto) are to be in writing and kept on the relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy. Council to be notified, in respect to determinations made, through the Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.

BHS3 DEALING WITH CLEARING MATTERS	
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development; and • Manager Assets and Services .
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions of this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Not applicable.
Adoption Date:	27 April 2006
Last Review Date:	22 June 2021

BHS4 Swimming Pools and Inspections

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an Authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b), to note that it has authorised the CEO to exercise of any local government (Council) powers or the discharge of any Council duties in accordance with regulation 70 Approved Officers and Authorised Officers of the *Building Regulations 2012*.

Note: The rules for pools and spas is regulated by the Department of Mines, Industry Regulation and Safety, Building and Energy.

The rules state that Local government, as the **permit authority**, is responsible for granting building permits for swimming and spa pools and their associated barriers. The approval process ensures that the building and barrier standards are satisfied. Pools are registered with the local government so that periodic inspections of the installed barrier can occur. These inspections should occur at least once every four years.

POWERS AND DUTIES

This delegation authorises the CEO to appoint a person to be an Authorised Officer for the purpose of performing the functions under sections 27 and 28 of the Building Regulations 2012, specifically in relation to swimming pool inspections being undertaken.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the prescribed public (permit) authority and enforcement agency as follows:

Building Regulations 2012

- r.27. Required inspection and tests: Class 2 to Class 9 buildings (s. 36(2)(a)).
- r.28. Required inspection: barrier to private swimming pool (s. 36(2)(a)).
- r.51 Approvals by permit authority.
- r.53 Inspection of barrier to private swimming pool.

r.69 Prescribed offences and modified penalties.

Authorised Officers will be responsible for monitoring compliance with the requirements that apply to a swimming or spa pool barrier by:

- acting on behalf of the permit authority by receiving and processing building permit applications for swimming and spa pools and their associated barriers;
- arranging and conducting inspections of barriers at least once every four years;
- Issuing infringement notices or commencing legal proceedings if a barrier is found to be non-compliant; and
- Issue swimming pool infringement notices.

CONDITIONS

Refer to Delegation ES5.

BHS4 SWIMMING POOL INSPECTIONS	
Relevant Management Practice:	<ul style="list-style-type: none"> Local Planning Scheme No 4.
Relevant Local Law:	<ul style="list-style-type: none"> Health Local Law 2017
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> <i>Building Services (Registration) Regulations 2011</i>; Section 31C “Applicable building standards for private swimming pools” of the Building Regulations 2012 (s. 3, 19(3) and 37(1) of the <i>Building Act 2011</i>); Local Government (Miscellaneous Provisions) Act – Section 245A; and Provisions of the <i>Australian Standard 1926.1-2012</i>.
File Number:	<ul style="list-style-type: none"> SWM2
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Details of inspections recorded on the appropriate file or register in accordance with Shire of Toodyay Record Keeping Plan and Record Keeping Policy; and Reported in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development.

BHS4 SWIMMING POOL INSPECTIONS	
Conditions	<ul style="list-style-type: none"> Same conditions as Delegation ES5.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

BHS5 Crossing from Public Thoroughfare to Private land or Private thoroughfare.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

*The Local Government (Uniform Local Provisions) Regulations 1996 defines that **local government** in relation to land, a public thoroughfare, a public place or local government property, means the local government in whose district the land, thoroughfare, place or property is located. It also states that a **lawful authority in relation to the doing of a thing means:***

- (a) the authority under a provision of a written law to do the thing; or
- (b) an authorisation, approval, licence, permit or other right, granted by the local government or any other person, under another written law, to do the thing; or
- (c) if neither paragraph (a) nor (b) applies, the written permission of the local government to do the thing;

The intent of this delegation is for Council to delegate power to the Chief Executive Officer (CEO) to approve the construction of a crossing giving access from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with *Local Government (Uniform Local Provisions) Regulations 1996*.

POWERS AND DUTIES

This delegation authorises the CEO to approve the construction of a crossing giving access from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with Section 12(1) of the *Local Government (Uniform Local Provisions) Regulations 1996*.

FUNCTION

To check either a Building or Planning application against any relevant policies (engineering) and the requirements or restrictions contained within the Residential Design Codes and the Building Act & Building Regulations. If an application does not comply within all these areas and relevant approvals are not in place the Shire must not issue a Building Permit hence their mention of the Building Act, Building Regulations &

section 12 of the *Local Government (Uniform Local Provisions) Regulations 1996*. In short, this delegation gives the Shire's Development Services the ability to consider a Crossover application and either refuse or approve the placement of a crossover.

CONDITIONS

Refer to Delegation ES1 and ES5.

This delegation is subject to the express provisions of the *Building Act 2011* and the *Building Regulations 2012*, as well as Section 12(2) of the *Local Government (Uniform Local Provisions) Regulations 1996*.

BHS5 CROSSING FROM PUBLIC THOROUGHFARE TO PRIVATE LAND OR PRIVATE THOROUGHFARE	
Relevant Management Practice:	<ul style="list-style-type: none"> Nil.
Relevant Local Law:	<ul style="list-style-type: none"> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> A.14 - Trading in thoroughfares and public places; LPP.24 - Directional Signage & Signage within Thoroughfares.
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government (Uniform Local Provisions) Regulations 1996 – regulation 12(1) Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2);</i> <i>Building Regulations 2012.</i>
File Number:	<ul style="list-style-type: none"> LAW11
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Determinations in respect to application (and correspondence in respect to matters related thereto) are to be kept in writing on the relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; and Manager Assets and Services .

BHS5 CROSSING FROM PUBLIC THOROUGHFARE TO PRIVATE LAND OR PRIVATE THOROUGHFARE	
Conditions	<ul style="list-style-type: none"> Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

SECTION 5 Assets & Technical Services (Delegations to CEO)

AS1 Crossovers

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Assets and Services
Responsible Officer:	Manager Assets and Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b), to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Local Government (Uniform Local Provisions) Regulations 1996*.

The intent with respect to the above is that the authority will extend to the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* whose head of power is the *Local Government Act 1995*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise the powers given to a local government as a public authority in respect to Schedule 9.1 of the *Local Government Act 1995*.
- Designate an employee to exercise powers or duties that have been delegated to the CEO in accordance with section 5.74 of the *Local Government (Uniform Local Provisions) Regulations 1996*.
- Issue a notice to a person who is carrying out plastering, painting or decorating operations over or near a footpath on land that is local government property in accordance with section 5 of the *Local Government (Uniform Local Provisions) Regulations 1996*.
- approve the construction of a vehicular crossover and payment of subsidies relating to the construction of a vehicular crossover as prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 2A(a) in accordance with regulation 12 of the *Local Government (Uniform Local Provisions) Regulations 1996*.
- Issue a notice to a person who is the owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with regulation 13 Requirement

to construct or repair crossing — Sch. 9.1 cl. 7(3) of the *Local Government (Uniform Local Provisions) Regulations 1996*.

- Where a notice given under section 3.25(1)(b) of the *Local Government Act 1995* is not complied with the CEO may, under section 3.26, authorise for the local government to do what the notice required and recover the cost from the offender in accordance with regulation 15 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

FUNCTION

Functions specifically performed by the CEO as an Authorised Person in accordance with s.5.44 of the *Local Government Act 1995* and/or an employee of local government that the CEO has been *statutorily delegated to appoint* under s.9.10, are as follows:

Local Government (Uniform Local Provisions) Regulations 1996

- r.6 Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a)
- r.7A. Obstruction of public thoroughfare by fallen things — Sch. 9.1 cl. 3(1)(b)
- r.7 Encroaching on public thoroughfare — Sch. 9.1 cl. 3(2)
- r.8 Separating land from public thoroughfare — Sch. 9.1 cl. 4.
- r.9 Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)
- r.11 Dangerous excavation in or near public thoroughfare — Sch. 9.1 cl. 6
- r.12 Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2)
- r.13 Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)
- r.15. Contribution to cost of crossing — Sch. 9.1 cl. 7(4).
- r.17 Private works on, over, or under public places — Sch. 9.1 cl. 8
- r.21 Wind erosion and sand drifts — Sch. 9.1 cl. 12

CONDITIONS

Refer to Delegations ES1, ES10 and BHS5.

AS1 CROSSOVERS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Local Planning Scheme No 4.
Relevant Local Law:	<ul style="list-style-type: none"> • Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> • Engineering Policy E3 - Standards and Specifications - Vehicle Crossovers.

AS1 CROSSOVERS	
Relevant References:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i>, Schedule 9.1, Clause 7 (3); • <i>Local Government (Uniform Local Provisions) Regulation 1996</i>, Sections 12, 13, 14, 15 and 16; and • Section 21A - <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>.
File Number:	<ul style="list-style-type: none"> • Relevant Property Files.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Notices and matters related thereto are to be in writing and kept on relevant files in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Assets and Services. • Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2007
Last Review Date:	22 June 2021

AS2 Private Works on, over or under public places

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Assets and Services
Responsible Officer:	Manager Assets and Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b), to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under Regulation 17 “Private works on, over, or under public places — Sch. 9.1 cl. 8” of the *Local Government (Uniform Local Provisions) Regulations 1996*.

POWERS AND DUTIES

The CEO, or an Authorised Officer may grant permission to construct anything on, over or under a public thoroughfare or other public place that is local government property.

FUNCTION

To authorise the construction of anything on, over or under a public thoroughfare or other public place that is local government property in accordance with Regulation 17(2) *Local Government (Uniform Local Provisions) Regulations 1996*.

CONDITIONS

Refer to Delegations ES1, ES5, BHS5, AS1, PD2 and PD7.

This delegation is also subject to the express provisions of the *Local Government Act 1995*, and the *Shire of Toodyay’s adopted local laws, schemes, codes, policies and practices*.

AS2 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES	
Relevant Management Practice:	<ul style="list-style-type: none"> Local Planning Scheme No 4.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

AS2 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES	
Relevant Council Policy:	<ul style="list-style-type: none"> Local Planning Policy No LPP01 – Signage outside the Central Toodyay Heritage Area; Local Planning Policy No. LPP20 – Central Toodyay Heritage Area; Local Planning Policy No LPP24 – Directional Signage and signage within thoroughfares; and Local Planning Policy No.LPP26 – Subdivision Development Guidelines.
Other Relevant References:	<ul style="list-style-type: none"> Regulation 17 “Private works on, over, or under public places — Sch. 9.1 cl. 8” of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
File Number:	<ul style="list-style-type: none"> TEC8
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Determinations and correspondence related thereto to be recorded on appropriate file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Assets and Services ; and Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

AS3 Licence to deposit materials on or excavate adjacent to a street.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b), to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in respect to Regulation 6 “Obstruction of public thoroughfare by things placed and left” — Sch. 9.1 cl. 3(1)(a) from the *Local Government (Uniform Local Provisions) Regulations 1996*.

POWERS AND DUTIES

This delegation authorises the CEO to issue licences to deposit materials on a street, way or other public place and to excavate on land either abutting or adjoining a street, way or other public place in accordance with Regulation 6 “Obstruction of public thoroughfare by things placed and left” — Sch. 9.1 cl. 3(1)(a) from the *Local Government (Uniform Local Provisions) Regulations 1996*.

This delegation is pursuant to Section 25 “Transitional and savings provisions” of the *Local Government (Uniform Local Provisions) Regulations 1996*.

FUNCTION

To comply with provisions of:

- (a) Section 36 of the *Planning and Development Regulations 2009*;
- (b) *The Building Act 2011*; and
- (c) *The Local Government (Uniform Local Provisions) Regulations 1996*.


CONDITIONS

- (a) The Chief Executive Officer obtaining confirmation in writing from the Manager Assets and Services that the proposed activity will not create undue interference with the operations of the street, the way or public place.

- (b) Licences are to be issued subject to the condition detailed in Section 25 “Transitional and savings provisions” of the *Local Government (Uniform Local Provisions) Regulations 1996* and such other conditions as considered relevant by the Chief Executive Officer.

Refer to Delegation ES1 and ES5.

AS3 LICENCE TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> Local Planning Policy No.LPP21 – Landscaping Plans; and Local Planning Policy No.LPP26 – Subdivision Development Guidelines.
Other Relevant References:	<ul style="list-style-type: none"> Regulation 6 “Obstruction of public thoroughfare by things placed and left” — Sch. 9.1 cl. 3(1)(a); Section 25 “Transitional and savings provisions” of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>; <i>Building Act 2011</i>; Section 36 Rights, powers and privileges under easements (Act s. 167(2)) <i>Planning and Development Regulations 2009</i>.
File Number:	<ul style="list-style-type: none"> CPS2.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> License and correspondence related thereto to be recorded in relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Assets and Services ; Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.

AS3 LICENCE TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET	
Appointment of Authorised Officers / Authorised Persons <i> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	18 April 2013.
Last Review Date:	22 June 2021

AS4 Dangerous excavation

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Assets and Services
Responsible Officer:	Manager Assets and Services

STATEMENT OF INTENT

If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous it may fill in or fence the excavation or request the owner or occupier to fill or securely fence the excavation in accordance with Regulation 11(1) *Local Government (Uniform Local Provisions) Regulations 1996*.

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b), to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under Regulation 11(1) *Local Government (Uniform Local Provisions) Regulations 1996*.

Refer to Delegations ES1, PD2 and AS3.

POWERS AND DUTIES

This delegation authorises the CEO to:

- Use their discretion in respect to whether an excavation is dangerous, in a public thoroughfare or land adjoining a public thoroughfare;
- request the owner or occupier to fill or securely fence the excavation; and/or
- authorise a suitably qualified officer to fill in or fence the excavation or request the owner or occupier to fill or securely fence the excavation.

FUNCTION

As Council's Deputy, the CEO will exercise the functions of the local government in accordance with Clause 2, Division 2 of the *Local Government Act 1995* pertaining to Dangerous excavation in or near public thoroughfare) and any provisions contained in Regulation 11 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

CONDITIONS

To comply with Part 9 – Miscellaneous Provisions (Section 9.1) where:

authorisation means a licence, permit, approval, or other means of authorising a person to do anything, other than one that has been excluded by regulations from being an authorisation for the purposes of this definition;

decision means a decision or notice that, in accordance with section 9.1, causes this Division to apply.

AS4 DANGEROUS EXCAVATION	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> Local Planning Policy No.LPP21 – Landscaping Plans; and Local Planning Policy No.LPP26 – Subdivision Development Guidelines.
Other Relevant References:	<ul style="list-style-type: none"> Part 9 (Miscellaneous Provisions) Division 1 (Objections and Review) Section 9.1 When this division applies whenever a local government gives a person a notice under section 3.25, and for the purposes of this Division the giving of a notice under that section is to be regarded as the making of a decision; Section 25 “Transitional and savings provisions” of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>; <i>Building Act 2011</i>; and Section 36 Rights, powers and privileges under easements (Act s. 167(2)) <i>Planning and Development Regulations 2009</i>.
File Number:	<ul style="list-style-type: none"> CPS2
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Records to be kept on an appropriate file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy. Any instances where this delegation has been enacted, are to be communicated to the Council.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Assets and Services ; Manager Planning and Development.

AS4 DANGEROUS EXCAVATION	
Conditions	<ul style="list-style-type: none"> Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

SECTION 6 Planning Services (Delegations to CEO)

PD1 Stallholder Applications

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

BACKGROUND

The Shire of Toodyay "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*" was gazetted on 25/10/2001 in accordance with Section 3.5 "Legislative Powers of Local Governments" and Section 3.12 "Procedure for making Local Laws" of the *Local Government Act 1995*.

The Shire of Toodyay "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*" states that the Head of Power in relation to this delegation is the *Local Government Act 1995*.

Any decision which has the effect of granting, renewing, varying or cancelling a permission or authorisation under a Local Law is a decision that is subject to Part 9, Division 1 of the Local Government Act (objection and appeal rights – see s.9.1) and can be referred to the State Administration Tribunal.

Such decisions are deemed 'quasi-judicial' and imply substantial scope for decision outcomes to differ on each occasion that a decision is made.

Therefore, as with other legislation, where a discretionary power or duty is assigned in a Local Law to the 'Local Government', the power or duty must be delegated to convey the authority to make decisions.

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b); to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the determination of applications for stallholders pursuant to consideration of the Local Planning Scheme in accordance with the *Planning and Development Act 2005* subject to relevant

Council Policies and the "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*" whose head of power is the *Local Government Act 1995*.

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to approving, refusing, applying a condition, varying an approval or condition or cancelling a permit for a stallholder subject to relevant Council Policies and the "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*".

FUNCTION

Functions specifically performed by the CEO as an Authorised Person in accordance with s.5.44 of the *Local Government Act 1995* and/or an employee of local government that the CEO has been *statutorily delegated to appoint* under s.9.10, are as follows:

- Consider and determine applications for stallholders including conditions to be imposed upon stallholders in relation to local planning scheme requirements and the provisions of the local law;
- Use discretion and make determinations in relation to stallholder applications in relation to the exemption provisions in the local law relating to stallholder permits and whether stallholders fees contained in the *Shire of Toodyay's Schedule of Fees and Charges* may be waived or reduced;
- issue a stallholder permit on behalf of the local government subject to advising the stallholder of conduct requirements within the local law;
- approve and issue a permit to trading applications on behalf of the local government subject to advising the trader of conduct requirements within the local law.

CONDITIONS

The purpose of this delegation is to comply with:

- (a) *Local Government (Uniform Local Provisions) Regulations 1996* which came into operation on 1 July 1996. Under section 9.60 of the Act, these regulations apply as if they were local laws made by each local government; and
- (b) *The Shire of Toodyay "Local Planning Scheme No 4" made in accordance with the Planning and Development Act 2005* which came into operation on 17 December 2007.

In relation to Food Stall Holder Applications decisions made are subject to Section 115 of the *Food Act 2008* which requires the local government, as an enforcement agency, to be responsible for preparing and maintaining a list of:

- (a) food businesses notified to the agency in respect of any premises under section 107; and
- (b) Food businesses registered by the agency in respect of any premises under section 110.

Waiving of fees is subject to the requirements of legislation and regulations and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

PD1 STALLHOLDER APPLICATIONS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> A.14 Trading in Thoroughfares and Public Places; LPP.24 - Directional Signage & Signage within Thoroughfares; LPP. 12 – Alfresco Dining A. 14 – Trading in Thoroughfares and Public Places
Other Relevant References:	<ul style="list-style-type: none"> Local Government (Uniform Local Provisions) Regulations 1996; Regulation 115 - Food Act 2008; Shire of Toodyay "Local Planning Scheme No 4"; and Planning and Development Act 2005. https://www.coag.gov.au/about-coag/agreements/competition-principles-agreement
File Number:	<ul style="list-style-type: none"> EVT1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; and Environmental Health Officer.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.

PD1 STALLHOLDER APPLICATIONS	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	22 June 2021

PD2 Thoroughfares and Trading in Thoroughfares and Public Places Permits

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

BACKGROUND

Refer to Delegation PD1.

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a ***prescribed public authority*** under the *Criminal Procedure Act 2004*, and having appointed the Chief Executive Officer (CEO) as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b); to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the determination of applications for traders pursuant to consideration of the Local Planning Scheme in accordance with the *Planning and Development Act 2005* subject to relevant Council Policies and the "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*" whose head of power is the *Local Government Act 1995*.

The intent of this delegation is for Council to delegate power to the Chief Executive Officer (CEO) to make determinations in relation to applications for a permit including whether to waive or reduce fees to be imposed on applicants that are contained in the *Shire of Toodyay's Schedule of Fees and Charges*.

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to approving, refusing, applying a condition, varying an approval or condition or cancelling a permit for a Trader subject to relevant Council Policies and the "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*".

FUNCTION

Functions specifically performed by the CEO as an Authorised Person in accordance with s.5.44 of the *Local Government Act 1995* and/or an employee of local government that the CEO has been *statutorily delegated to appoint* under s.9.10, are as follows:

- approve and issue a permit to trading applications on behalf of the local government subject to advising the trader of conduct requirements within the local law.

CONDITIONS

Determination of applications is pursuant to consideration of the Local Planning Scheme in accordance with the *Planning and Development Act 2005*, subject to and in accordance with Clause 7.2 of the Shire of Toodyay's "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law" and relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the *Local Government Act 1995*.

PD2 THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES PERMITS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • A.11 Applications for Public Events; • A.14 Trading in Thoroughfares and Public Places; • LPP.24 - Directional Signage & Signage within Thoroughfares; • LPP. 12 – Alfresco Dining A. 14 – Trading in Thoroughfares and Public Places
Other Relevant References:	<ul style="list-style-type: none"> • Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. Date: 25/10/2001; • <i>Local Government (Uniform Local Provisions) Regulations 1996</i>; • Weights and Measures Act 1915 (repealed by the <i>Trade Measurement Administration Act 2006</i> (No. 12 of 2006) s. 36(1) as at 1 Jun 2007 (see s. 2 and Gazette 29 May 2007 p. 2485); • Section 172 of the Health (Miscellaneous Provisions) Act 1911; • r.115 <i>Food Act 2008</i>; • <i>Shire of Toodyay "Local Planning Scheme No 4"</i>; and • <i>Planning and Development Act 2005</i>.
File Number:	<ul style="list-style-type: none"> • MEM1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Report in Council Information Bulletin.

PD2 THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES PERMITS	
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development Environmental Health Officer
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>ⓧ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	22 June 2021

PD3 Development Application Delegations

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of the local government's powers or the discharge of any of the local government's duties as a responsible authority in relation to land that is subject to a local planning scheme under the *Planning and Development Act 2005* within the district of the Shire of Toodyay in accordance with Clause 82 of Schedule 2, Part 10 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

* *Absolute majority required.*

POWERS AND DUTIES

Clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015* state that the local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.

FUNCTION

1. DEVELOPMENT APPROVAL - GENERAL

Authority to approve or refuse applications for development approval, with or without conditions, subject to consistency with *Shire of Toodyay Local Planning Scheme No. 4* (the Scheme), including giving due regard to relevant Local Planning Policies, and / or WAPC / State Planning Policies, and the exclusions / conditions set out below.

CONDITIONS

General Exclusions

Applications for development approval for development:

- (i) exceeding \$2M in value; and / or
- (ii) a net increase of in excess of 10 dwellings; and / or
- (iii) a net increase of over 500m² in building floor area; and/or
- (iv) located in the Roman Catholic Church Precinct

may not be determined under delegated authority.

Specific Exclusions and Exceptions for Minor Works, etc.

- a) Subject to f) below, with respect to applications for development approval for development other than advertising signage, domestic outbuildings, sea containers and/or other similar storage containers, fencing, residential additions/alterations and setback variations, any delegated decision must be consistent with, rather than giving due regard to, relevant Local Planning Policies.
- b) Subject to f) below, applications for development approval for development of land within a Local Reserve may only be approved under delegated authority where it is consistent with the purpose of the Reserve.
- c) Subject to f) below, applications for development approval for the types of land-use or development listed below may only be refused under delegated authority:
 - (i) Abattoir;
 - (ii) Animal Establishment in other than the 'Rural' Zone;
 - (iii) Animal Husbandry – Intensive;
 - (iv) Hotel;
 - (v) Industry - Extractive;
 - (vi) Motel;
 - (vii) Night Club;
 - (viii) Restricted Premises;
 - (ix) Small Bar;
 - (x) Tavern;
 - (xi) Telecommunication Infrastructure; and
 - (xii) Any other development associated with racing, gaming or the sale of liquor, other than where development is of a temporary nature (no more than 48 hours duration).

(Note: Should the Chief Executive Officer feel that the application may warrant approval, the application shall be reported to Council for consideration)

- d) Subject to f) below, unless specifically provided for in a Local Planning Policy or Policies, applications for development approval that must be assessed under the provisions of Clause 3.4.2 of the Scheme (the 'interpretation of the Zoning Table' provisions) may only be refused under delegated authority.

(Note: Should the Chief Executive Officer feel that the application may warrant approval, the application shall be reported to Council for consideration)

- e) Subject to f) below, applications for development approval that must be assessed under the provisions of Part 4, clauses 3.8 up to and including 3.12 of the Scheme

(the 'non-conforming uses' provisions) may only be refused under delegated authority.

(Note: Should the Chief Executive Officer feel that the application may warrant approval, the application shall be reported to Council for consideration)

- f) Subject to g) below, the provisions of a) – e) above do not apply to applications to –
- amend the approval so as to extend the period within which the approval must be substantially commenced; and
 - alterations and/or expansions affecting a maximum area of 10% of the existing development or 200m² (in terms of floor space or land area in use, as appropriate), whichever is the lesser, and which are associated with existing, lawful land-uses, wherein the application may be refused or approved, with or without conditions, under delegated authority.
- g) Where an application to extend the period within which the approved development must be substantially commenced is issued pursuant to f) above, the term of any extension shall not exceed 12 months, however, an unlimited number of extensions may be granted under delegated authority.

2. DEVELOPMENT APPROVAL - AMENDED PLANS

Notwithstanding a) and b) above, amended plans relating to applications determined by Council, may be determined under delegated authority where -

- a) The amended plan, if submitted as a new application, could have been determined under delegated authority; and/or
- b) The amended plans do not differ from the determined plans in any respect which generates a need to undertake consultation pursuant to clause 64 of the *deemed provisions for local planning schemes* (advertising applications) and/or Part 4 (Consultation) of the R-Codes; and/or
- c) The amended plans do not differ from the determined plans in respect of the number of residential units or an increase in floor space of more than 10% or 200m² (in terms of floor space or land area in use, as appropriate), whichever is the lesser.

3. DEVELOPMENT APPROVAL - CONDITIONS RELATED TO CONSULTATION

Applications for development approval that have been advertised for consultation purposes in accordance with the provisions of clause 64 (advertising applications) of the *deemed provisions for local planning schemes* and/or Part 4 of the R-Codes (consultation), may only be approved under delegated authority if-

- a) No submissions were received, or only supportive submissions that do not request any change to the development were received; or

- b) Submissions that raise concerns with the proposed development were received, and those concerns are, in the opinion of the Chief Executive Officer, clearly not material planning considerations;
- c) Submissions that raise concerns with the proposed development were received, and those concerns are material planning considerations, but;
- i) Through liaison with the party or parties that lodged the submissions and/or amendments to the application and/or the application of conditions, the matters raised in the submissions can be resolved to the satisfaction of the Chief Executive Officer, the applicant, and the party or parties that lodged the submissions (the Chief Executive Officer must also ensure that the interests of fourth parties are protected and undertake further consultation if considered necessary), and
- ii) Prior to approval of the application, the applicant and/or party or parties who lodged the submissions have provided written (including via email) confirmation of their acceptance of the terms of the proposed delegated decision.

(Note: Should (a), (b) or (c) above not apply, or the Chief Executive Officer feel that the application should be refused, the application shall be reported to Council for consideration)

PD3 DEVELOPMENT OF SUBDIVISION APPLICATION DELEGATIONS	
Relevant Management Practice:	<ul style="list-style-type: none"> Local Planning Scheme No 4 (referencing 11.3.1 and 11.3.2).
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay's adopted Local Laws.
Relevant Council Policy:	<ul style="list-style-type: none"> Shire of Toodyay's adopted local planning policies.
Other Relevant References:	<ul style="list-style-type: none"> Planning and Development Act 2005; Local Government Act 1995 – Section 5.42 "Delegation of some Powers and Duties to CEO" deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015
File Number:	<ul style="list-style-type: none"> PLS2.

PD3 DEVELOPMENT OF SUBDIVISION APPLICATION DELEGATIONS	
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ul style="list-style-type: none"> (a) how the power was exercised or the duty was discharged; (b) When the power was exercised or duty discharges; and (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning & Development; • Planning Officer (<i>excluding subdivision clearances</i>).
Conditions	In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	24/11/2015 Council Resolution No 242/11/15
Last Review Date:	22 June 2021

PD4 Illegal Development

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties as a responsible authority in relation to land that is subject to a local planning scheme under the *Planning and Development Act 2005*, section 214(2), (3) and (5) in accordance with *Clause 82 of the Planning and Development (Local Planning Schemes) Regulations 2015*.

* *Absolute majority required.*

POWERS AND DUTIES

The deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* are to be read in conjunction with the Local Planning Scheme No. 4.

This delegation will enable appropriate action to be instigated in a timely and efficient manner relating to breaches of the *Shire of Toodyay Local Planning Scheme No. 4*.

Clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015* state *that the local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.*

FUNCTION

This delegation will enable the CEO to appoint an Authorised Officer for the purposes of entering any building or land to determine whether the provisions of this Scheme have been or are being observed:

- (a) Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;

- (b) Give a written direction to the owner or any other person who undertook an unauthorised development subject to the provisions of clause 65 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
- i) to remove, pull down, take up, or alter the development; and
 - ii) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
- (c) Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.

CONDITIONS

Part 1, Section 4 of the *Planning and Development Act 2005* states that the local government is a responsible authority, except as provided in regulations made under Section 171A (2) (a) that means, in relation to a local planning scheme or local interim development order, that the local government is responsible for the enforcement of the observance of the scheme or order, or the execution of any works which under the scheme or order, or this Act, are to be executed by a local government.

This delegation is also subject to the requirements of legislation and regulations and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

PD4 ILLEGAL DEVELOPMENT	
Relevant Management Practice:	<ul style="list-style-type: none"> Local Planning Scheme No 4 (referencing 11.1.2, 11.3.1 and 11.3.2).
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay's adopted Local Laws.
Relevant Council Policy:	<ul style="list-style-type: none"> Shire of Toodyay's adopted local planning policies.
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government Act 1995</i> – Section 5.42 "Delegation of some Powers and Duties to CEO" <i>Planning and Development Act 2005</i> section 214 "Illegal development, responsible authority's powers as to" (2), (3) or (5); Part 13 of the <i>Planning and Development Act 2005</i>. deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

PD4 ILLEGAL DEVELOPMENT	
File Number:	<ul style="list-style-type: none"> PLS2.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ul style="list-style-type: none"> (a) how the power was exercised or the duty was discharged; (b) When the power was exercised or duty discharges; and (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning & Development.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24/11/2015 Council Resolution No 242/11/15
Last Review Date:	22 June 2021

PD5 Appointment of Authorised Persons – the Shire of Toodyay Local Planning Scheme No. 4

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The purpose of this delegation is to satisfy the provisions of Clause 82 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*—that state a local government may, by resolution, delegate to the Chief Executive Officer (CEO) the exercise of any of the local government's powers or the discharge of any of the local government's duties under the *Shire of Toodyay Local Planning Scheme No. 4*

* *Absolute majority required.*

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties the *Planning and Development Act 2005*, section 214(2), (3) and (5).

FUNCTION

This delegation will enable the CEO to appoint Authorised Officers for the purposes of entering any building or land to determine whether the provisions of the local planning scheme have been met or are being observed.

CONDITIONS

There are no conditions. **Refer to ES1** for information related to the *Planning and Development Act 2005*.

PD5 APPOINTMENT OF AUTHORISED PERSONS – THE SHIRE OF TOODYAY LOCAL PLANNING SCHEME NO 4	
Relevant Management Practice:	<ul style="list-style-type: none"> Shire of Toodyay's adopted Planning Schemes and Strategies.
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay's adopted Local Laws.
Relevant Council Policy:	<ul style="list-style-type: none"> Shire of Toodyay's adopted policies.

PD5 APPOINTMENT OF AUTHORISED PERSONS – THE SHIRE OF TOODYAY LOCAL PLANNING SCHEME NO 4	
References - <i>Planning and Development Act 2005</i>	<ul style="list-style-type: none"> Part 13, Division 3, Section 234 "Designated persons, appointment of". Deemed provisions for local planning schemes in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	<ul style="list-style-type: none"> PLS2.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ol style="list-style-type: none"> how the power was exercised or the duty was discharged; When the power was exercised or duty discharges; and the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> <i>Appointment of a Designated person subject to Section 234 of the Planning and Development Act 2005;</i> <i>Refer to the Statement of Intent.</i>
Adoption Date:	24/11/2015 Council Resolution No 242/11/15
Last Review Date:	22 June 2021

PD6 Deed of Covenant for the Payment of a Developer Contribution.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The purpose of this delegation is to satisfy the provisions of Clause 2.2 of the *Shire of Toodyay Local Planning Scheme No. 4* in respect to Council authorising the Chief Executive Officer (CEO) to exercise any of its powers or the discharge of any of its duties as a responsible authority in relation to land that is subject to a local planning scheme under the *Planning and Development Act 2005*.

* *Absolute majority required.*

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties the *Planning and Development Act 2005, Part 10 – Subdivision and Development Control*.

FUNCTION

This delegation of authority will enable the Shire President and the Chief Executive Officer to enter into a Deed of Covenant for the Payment of a Development Contribution with prospective developer(s) proposing to rezone land under Local Planning Scheme No 4 to enable further subdivision subject to the proposed rezoning being supported under the provisions of the Local Planning Strategy.

CONDITIONS

Subject to the proposed rezoning being supported under the provisions of the Local Planning Strategy.

Refer to ES1 for information related to *Planning and Development Act 2005*.

PD6 DEED OF COVENANT FOR THE PAYMENT OF A DEVELOPER CONTRIBUTION

PD6 DEED OF COVENANT FOR THE PAYMENT OF A DEVELOPER CONTRIBUTION	
Relevant Management Practice:	<ul style="list-style-type: none"> Shire of Toodyay's adopted Planning Schemes and Strategies.
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay's adopted Local Laws.
Relevant Council Policy:	<ul style="list-style-type: none"> LPP.19 - Subdivision Contributions For Road And Footpath Upgrading; and LPP.26 – Sub-divisional Development Guidelines.
References - <i>Planning and Development Act 2005</i>	<ul style="list-style-type: none"> Part 13, Division 3, Section 234 "Designated persons, appointment of". deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	<ul style="list-style-type: none"> PLA1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Detail of deeds to be recorded in appropriate register and upon the common seal being affixed, reported in the Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 June 2008
Last Review Date:	22 June 2021

PD7 Caravan Park and Camping Grounds Act 1995

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, to note Delegation ES1 and the delegation by Council to the Chief Executive Officer (CEO) of the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Caravan Parks and Camping Grounds Act 1995* in accordance with s.5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

The intent with respect to the above is that the authority will extend to any subsidiary legislation of the legislation specified above, and any Shire of Toodyay Local Laws where the head of power is either the *Local Government Act 1995*, the *Public Health Act 2016* or the *Health (Miscellaneous Provisions) Act 1911*.

The *Shire of Toodyay "Local Government Property" Local Law* refers to "facility" as having the same meaning as is given to it in section 5(2) of the *Caravan Parks and Camping Grounds Act 1995*. The Local Law also states that the functions performed under this local law can be performed by an "authorised person" authorised under section 9.10 of the *Local Government Act 1995* to perform any of the functions of an authorised person under this local law. **Refer to Delegation ES1.**

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise the powers that are conferred or imposed on the local government and perform the functions of the agency in relation to the *Caravan Parks and Camping Grounds Act 1995*.
- appoint one or more persons for the purpose of performing the functions of an authorised person in accordance with section 23(1) of the *Caravan Parks and Camping Grounds Act 1995*.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority as follows:

Caravan Parks and Camping Grounds Act 1995

- s.7. Application for grant or renewal of licence;
- s.10. Prohibition notice;
- s.14. Register;;
- s.15. Local government may operate facility in its district without licence;
- s.21. Inspections and works specification notices;
- s.18 Powers of entry;
- s.20 Entry of occupied caravan or camp;
- s.22 Legal proceedings to be taken by authorised person;
- s.23 Infringement notices.

CONDITIONS

Refer to Delegation ES1.

To comply with the requirements of the *Caravan Park and Camping Grounds Act 1995* and regulation 6 of the *Caravan Parks and Camping Grounds Regulations 1997*.

In the absence of the CEO the sub-delegated Officers may carry out the provisions of the *Caravan Park and Camping Grounds Act 1995* and the provisions of any subsidiary regulations.

Section 17(2) of the *Caravan Parks and Camping Grounds Act 1995* states that an authorised person is to produce the identity card referred to in subsection (1)(b) whenever required to do so by any person in respect of whom the authorised person has exercised, or is about to exercise, any of the powers of an authorised person under this Act.

This delegation is subject to express provisions of the *Local Government Act 1995*, and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

PD7 CARAVAN PARK AND CAMPING GROUNDS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay's Parking and Parking Facilities local law; and Shire of Toodyay Local Government Property Local Law

PD7 CARAVAN PARK AND CAMPING GROUNDS	
Relevant Council Policy:	<ul style="list-style-type: none"> • LPP03 - Caravan and Camping Grounds; • LPP10 – Temporary Onsite Accommodation during construction of a dwelling; and • LPP17 – Extracts Industrial Area Policy.
Other Relevant References:	<ul style="list-style-type: none"> • <i>Caravan Park and Camping Grounds Act 1995; and</i> • <i>Regulation 6 of the Caravan Parks and Camping Grounds Regulations 1997.</i>
File Number:	<ul style="list-style-type: none"> • CAM1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Records pertaining to this delegation to be kept on appropriate file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development. • Manager Assets and Services.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions of this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> • Refer to ES1; and • Not applicable.
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

PD8 Recommendations to the WAPC Regarding Applications for Subdivision / Amalgamation or Strata Title

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate, by resolution, to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties as a responsible authority in relation to making recommendations to the Western Australian Planning Commission (WAPC) with regards to applications referred to Council pursuant to Part 10 (subdivision and development control) of the *Planning and Development Act 2005*.

* *Absolute majority required.*

POWERS AND DUTIES

Section 5.42 of the *Local Government Act 1995* establishes that a local government may delegate to the CEO* the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43 or the *Planning and Development Act 2005* section 214(2), (3) or (5).

FUNCTION

The WAPC grants subdivision approvals for residential subdivisions (excluding built strata with 5 or less units, which require Local Government Approval).

Subdivision applications submitted to the WAPC are referred to the Shire (as well as other agencies) for comment. This delegation will facilitate timely responses to the WAPC regarding subdivision, amalgamation and strata title referrals.

CONDITIONS

Subject to consistency with the Scheme, relevant Local Planning Policies, and/or WAPC/State Planning Policies, applications that were they approved by the WAPC, might result in a net increase of more than 10 lots, a recommendation to the WAPC may only be made under delegated authority if-

- a) The application is consistent with a structure plan approved by the WAPC, a local development plan approved by Council, or other plan endorsed by Council, or which forms part of the Scheme and/or a Local Planning Policy; and/or
- b) The application is for amended plans for an application that has been considered by Council within the last two years and the amendments are, in the opinion of the delegated officer, of a minor nature.

PD8 RECOMMENDATIONS TO THE WAPC REGARDING APPLICATIONS FOR SUBDIVISION / AMALGAMATION OR STRATA TITLE	
Relevant Management Practice:	<ul style="list-style-type: none"> Shire of Toodyay Local Planning Scheme No 4
Relevant Local Law:	<ul style="list-style-type: none"> Not Applicable
Relevant Council Policy:	<ul style="list-style-type: none"> Shire of Toodyay Local Planning Policy No. 19 - Subdivision Contributions for Road and Footpath
Other Relevant References:	<ul style="list-style-type: none"> <i>Planning and Development Act 2005</i>; Schedule 2, Part 4 – Structure Plans of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Local Government Act 1995</i> – Section 5.42 "Delegation of some Powers and Duties to CEO".
File Number:	<ul style="list-style-type: none"> PLS2.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ol style="list-style-type: none"> how the power was exercised or the duty was discharged; When the power was exercised or duty discharges; and the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning & Development; Planning Officer

PD8 RECOMMENDATIONS TO THE WAPC REGARDING APPLICATIONS FOR SUBDIVISION / AMALGAMATION OR STRATA TITLE	
Conditions	<p>In accordance with the conditions listed in this delegation; and that the application for subdivision is not located in the Roman Catholic Precinct.</p> <p>Consideration of Delegation EA11 required prior to any decision.</p>
<p>Appointment of Authorised Officers / Authorised Persons</p> <p><input checked="" type="checkbox"/> Not suitable for Acting Through</p>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	25 June 2019
Last Review Date:	22 June 2021

PD9 Clearance of Conditions of Development Approval, or Conditions of Subdivision / Amalgamation or Strata Title Approval

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties in relation to clearance of conditions of development approval issued under Council's Local Planning Scheme No.4 (the Scheme), including clearance of conditions to advise the Western Australian Planning Commission (WAPC) with regards to the clearance of conditions for which Council is nominated as a clearance agency.

POWERS AND DUTIES

Clearance of Conditions of Development Approval

Clause 82 of the *deemed provisions for local planning schemes* (Schedule 2 Part 10 of the *Planning and Development (Local Planning Schemes) Regulations 2015*) establishes that the local government may, by resolution, delegate to a committee or to the local government CEO* the exercise of any of the local government's powers or the discharge of any of the local government's duties under the Scheme.

Clearance of Conditions of Subdivision

Section 5.42 of the *Local Government Act 1995* (the Act) establishes that a local government may delegate to the CEO* the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43 or the *Planning and Development Act 2005* section 214(2), (3) or (5).

**Absolute Majority required*

FUNCTION

This delegation will facilitate good and proper planning practices, including timely responses to clearance of conditions of development approval issued under the Scheme, and clearance of conditions set pursuant to Part 10 (Subdivision and development control) of the *Planning and Development Act 2005* and for which Council is nominated as a clearance agency.

CONDITIONS

Authority to: -

- clear conditions of development approval issued under Council's Local Planning Scheme No.4 pursuant to Clause 82 of the *deemed provisions for local planning schemes*: and
- Advise the WAPC with regards to the clearance of conditions set pursuant to Part 10 (Subdivision and development control) of the *Planning and Development Act 2005* and for which Council is nominated as a clearance agency, subject to consistency with the Scheme and Local Planning Policies.

Specific Exclusions

- Applications to clear conditions of development approval in the Roman Catholic Church Precinct may not be determined under delegated authority.
- Advice to the WAPC with regards to the clearance of conditions for which Council is nominated as a clearance agency in the Roman Catholic Church Precinct may not be determined under delegated authority.

PD9 CLEARANCE OF CONDITIONS OF DEVELOPMENT APPROVAL, OR CONDITIONS OF SUBDIVISION / AMALGAMATION OR STRATA TITLE APPROVAL	
Relevant Management Practice:	<ul style="list-style-type: none"> • Shire of Toodyay Local Planning Scheme No 4.
Relevant Local Law:	<ul style="list-style-type: none"> • Not Applicable
Relevant Council Policy:	<ul style="list-style-type: none"> • Shire of Toodyay Local Planning Policy No. 19 - Subdivision Contributions for Road and Footpath Upgrading
Other Relevant References:	<ul style="list-style-type: none"> • Planning and Development Act 2005; • <i>Local Government Act 1995</i> – Section 5.42 "Delegation of some Powers and Duties to CEO" • <i>Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	<ul style="list-style-type: none"> • PLS2.

PD9 CLEARANCE OF CONDITIONS OF DEVELOPMENT APPROVAL, OR CONDITIONS OF SUBDIVISION / AMALGAMATION OR STRATA TITLE APPROVAL	
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ul style="list-style-type: none"> (a) how the power was exercised or the duty was discharged; (b) When the power was exercised or duty discharges; and (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning & Development; • Planning Officer
Conditions	In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	25 June 2019
Last Review Date:	22 June 2021

PD10 Advice to the Department of Planning Lands and Heritage (DPLH) regarding matters associated with the Land Administration Act 1997

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties as a responsible authority in relation to proposed changes of tenure, changed / new management orders, and / or granting or renewing of leases and / or licences relating to Crown Land.

POWERS AND DUTIES

Section 5.42 of the *Local Government Act 1995* (the Act) establishes that a local government may delegate to the CEO* the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43 or the *Planning and Development Act 2005* section 214(2), (3) or (5).

**Absolute Majority required*

FUNCTION

This delegation will facilitate good and proper planning practices, including timely responses to the Department of Planning Lands and Heritage (DPLH) for matters referred to Council under the *Land Administration Act 1997*.

CONDITIONS

Authority to advise the DPLH is extended to the Chief Executive Officer with respect to proposed changes of tenure, changed / new management orders, and / or granting or renewing of leases and / or licences relating to Crown Land.

PD10 ADVICE TO THE DEPARTMENT OF PLANNING LANDS AND HERITAGE (DPLH) REGARDING MATTERS ASSOCIATED WITH THE LAND ADMINISTRATION ACT 1997	
Relevant Management Practice:	<ul style="list-style-type: none"> Shire of Toodyay Local Planning Scheme No 4.
Relevant Local Law:	<ul style="list-style-type: none"> Not Applicable

PD10 ADVICE TO THE DEPARTMENT OF PLANNING LANDS AND HERITAGE (DPLH) REGARDING MATTERS ASSOCIATED WITH THE LAND ADMINISTRATION ACT 1997	
Relevant Council Policy:	<ul style="list-style-type: none"> Not Applicable
Other Relevant References:	<ul style="list-style-type: none"> Planning and Development Act 2005;
File Number:	<ul style="list-style-type: none"> PLS2.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ul style="list-style-type: none"> (a) how the power was exercised or the duty was discharged; (b) When the power was exercised or duty discharges; and (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning & Development; Planning Officer
Conditions	In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons ☐ Not suitable for Acting Through	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	25 June 2019
Last Review Date:	22 June 2021

PD11 Advising other Regulatory Authorities.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties as a responsible authority to advise regulatory authorities other than the Western Australian Planning Commission (WAPC) with respect to matters where planning-related advice is required.

POWERS AND DUTIES

Section 5.42 of the *Local Government Act 1995* (the Act) establishes that a local government may delegate to the CEO* the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43 or the *Planning and Development Act 2005* section 214(2), (3) or (5).

**Absolute Majority required*

FUNCTION

This delegation will facilitate good and proper planning practices, including timely responses to regulatory authorities other than the WAPC with respect to matters where planning-related advice is required.

CONDITIONS

Authority to advise other regulatory authorities (other than the WAPC with respect to applications for subdivision) with respect to matters where planning-related advice is required, is extended to the Chief Executive Officer, subject to consistency with existing planning or other local government approvals, as appropriate, and the Scheme, relevant Local Planning Policies and/or WAPC/State Planning Policies.

Specific Exclusions

- Planning related advice to other regulatory authorities with respect to the Roman Catholic Church Precinct shall be reported to Council for consideration. \

PD11 ADVISING OTHER REGULATORY AUTHORITIES

PD11 ADVISING OTHER REGULATORY AUTHORITIES	
Relevant Management Practice:	<ul style="list-style-type: none"> Shire of Toodyay Local Planning Scheme No 4.
Relevant Local Law:	<ul style="list-style-type: none"> Not Applicable
Relevant Council Policy:	<ul style="list-style-type: none"> Not Applicable
Other Relevant References:	<ul style="list-style-type: none"> Planning and Development Act 2005; <i>Local Government Act 1995</i> – Section 5.42 "Delegation of some Powers and Duties to CEO" <i>Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	<ul style="list-style-type: none"> PLS2.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ol style="list-style-type: none"> how the power was exercised or the duty was discharged; When the power was exercised or duty discharges; and the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning & Development; Planning Officer
Conditions	In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> Refer to the Statement of Intent.

PD11 ADVISING OTHER REGULATORY AUTHORITIES	
Adoption Date:	25 June 2019
Last Review Date:	22 June 2021

SECTION 7 External Agency Delegations (Delegations to CEO / Local Government Employees)

As explained in the Introduction: where the legislation has statutorily prescribed those decision-making powers and duties are to be performed, exercised, (or delegated to) a CEO, President, Mayor, Elected Member, Environmental Health Officers (EHOs), Building Surveyor, or Returning Officer a local government (Council) cannot make any further directives or make amendments to the decision-making powers and/or duties prescribed by legislation to these officeholders.

The table below details statutory officer appointments.

Head of Power	Detail	Conditions
<i>Local Government Act 1995</i>	<p><i>In respect to the appointment of authorised persons in relation to the following laws or specified provisions of 1 of more specified laws:</i></p> <p><i>law means any of the following —</i></p> <ul style="list-style-type: none"> <i>(a) this Act;</i> <i>(b) the Caravan Parks and Camping Grounds Act 1995;</i> <i>(c) the Cat Act 2011;</i> <i>(d) the Cemeteries Act 1986;</i> <i>(e) the Control of Vehicles (Off-road Areas) Act 1978;</i> <i>(f) the Dog Act 1976;</i> <i>(g) subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);</i> <i>(h) a written law prescribed for the purposes of this section;</i> <p><i>specified means specified in the instrument of appointment.</i></p>	
<i>Planning and Development Act 2005</i>	in respect to appointment of designated persons (Section 234) that the CEO of a responsible authority may, in writing, appoint persons or classes of persons to be designated persons for the purposes of Sections 228, 229, 230 and 231.	In relation to Section 228 "Giving of infringement notice" states a person who is authorised to give infringement notices is not eligible to be a designated person for the purposes of any of the other sections in accordance with Section 234
<i>Animal Welfare Act 2002</i>	in respect to appointment of authorised persons (Section 64) that the CEO of the	Section 64 (4) "Appointment of Authorised Persons" states that a

Head of Power	Detail	Conditions
	local government is an authorised person only in respect of infringement notices given by the local government.	person cannot be both an authorised person and an inspector.
<i>Litter Act 1979</i>	In respect to appointment of authorised persons (Section 26(1)) that the CEO of the local government is an authorised person.	
<i>The Bush Fires (Infringement) Regulations 1978</i>	already delegates, in respect to the withdrawal of infringement notices, that the CEO and the Shire President are Prescribed Officers (Section 4) for the purposes of section 59A (5) "withdrawal of infringement notices" of the Act.	
<i>The Caravan Parks and Caravans Act 1995</i> already delegates	Appointment of authorised persons (Section 17(1)) that the CEO of the local government (a) may appoint such persons to be authorised persons for the purposes of this Act as the chief executive officer or the local government considers necessary; and (b) must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorised person under this Act.	Section 17(2) states that an authorised person is to produce the identity card referred to in subsection (1)(b) whenever required to do so by any person in respect of whom the authorised person has exercised, or is about to exercise, any of the powers of an authorised person under this Act.
<i>The Local Government Act 1995</i>	s.5.5. Convening council meetings (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting. (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.	
<i>The Local Government Act 1995</i>	s.3.34 Entry in emergency an emergency exists where the local government or its CEO is of the opinion that the circumstances are such that compliance with the requirements for obtaining entry other than under this section would be impractical or	s.3.35 of the Act states a person who enters or who has entered any land, premises or thing on behalf of a local government is to give particulars of the power by virtue of which the local government claims a right of entry on being requested to do so.

Head of Power	Detail	Conditions
	<p>unreasonable because of, or because of the imminent risk of —</p> <ul style="list-style-type: none"> (a) injury or illness to any person; or (b) a natural or other disaster or emergency; or (c) such other occurrence as is prescribed for the purposes of this section. 	
The <i>Local Government Act 1995</i>	<p>s.4.31.(1B) Rateable property: ownership and occupation</p> <p>If an enrolment eligibility claim is made in respect of rateable property situated partly in one ward and partly in another ward or wards, it is to be regarded for the purposes of that claim as being in —</p> <ul style="list-style-type: none"> (a) the ward nominated by the owner or occupier making the claim; or (b) if no nomination is made, the ward determined by the CEO. 	
The <i>Local Government Act 1995</i>	<p>s.5.29. Convening electors' meetings</p> <p>(1) The CEO is to convene an electors' meeting by giving —</p> <ul style="list-style-type: none"> (a) at least 14 days' local public notice; and (b) each council member at least 14 days' notice, <p>of the date, time, place and purpose of the meeting.</p>	<p>Suitable for Acting through:</p> <p>s.5.27(2) General meeting of electors to be held on a day selected by a local government but not more than 56 days after the local government accepts the annual report for the previous financial year.</p> <p>s.5.53(1) A local government must prepare an annual report for each financial year</p>
The <i>Local Government Act 1995</i>	<p>s.5.32. Minutes of electors' meetings</p> <p>The CEO is to —</p> <ul style="list-style-type: none"> (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered. 	

Head of Power	Detail	Conditions
The <i>Local Government Act 1995</i>	s.5.55. Notice of annual reports. The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.	
The <i>Local Government Act 1995</i>	s.5.55A. Publication of annual reports The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.	
The <i>Local Government Act 1995</i>	s.5.88 (1) Register of financial interests A CEO is to keep a register of financial interests.	
The <i>Local Government Act 1995</i>	s.5.89A(1). Register of gifts and contributions to travel. A CEO is to keep a register of gifts and contributions to travel.	
The <i>Local Government Act 1995</i>	s.5.95. Limits on right to inspect local government information. (1) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information — (a) which is not current at the time of inspection; and (b) which, in the CEO's opinion, would divert a substantial and unreasonable portion of the local government's resources away from its other functions.	
The <i>Local Government Act 1995</i>	s.5.118 (1) Carrying out orders. The CEO of the local government concerned is required to arrange the publication of any censure ordered under section 5.110(6) by a standards panel and is to refer to the State Administrative Tribunal any failure to comply with any other order made under that subsection.	
The <i>Local Government Act 1995</i>	5.120. Complaint's officer (1) The CEO may designate an employee of the local government	

Head of Power	Detail	Conditions
	<p>to be its complaints officer.</p> <p>(2) If an employee is not designated under subsection (1), the CEO is the local government's complaints officer.</p> <p>[Section 5.120 inserted: No. 16 of 2019 s. 57.]</p>	
The <i>Local Government Act 1995</i>	<p>s.6.5. Accounts and records</p> <p>The CEO has a duty —</p> <p>(a) to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government; and</p> <p>(b) to keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under this Act or another written law.</p>	
The <i>Local Government Act 1995</i>	<p>s.7.12AH (5) Reporting on a supplementary audit</p> <p>The CEO must publish a copy of the report on the local government's official website within 14 days after receiving a request under subsection (3)(b).</p>	
The <i>Local Government Act 1995</i>	<p>(s.9.19 Extension of time) prescribes that the CEO of a local government may, in a particular case, extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.</p>	
The <i>Local Government Act 1995</i>	<p>(s.9.20 Withdrawal of notice) prescribes that the CEO of a local government may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.</p>	
The <i>Local Government Act 1995</i>	<p>s.9.29 (2) Representing local government in court.</p>	

Head of Power	Detail	Conditions
	<p>In proceedings a person who is —</p> <p>(a) the CEO; or</p> <p>(b) an employee of the local government appointed in writing signed by the CEO to represent the local government generally or in a particular case,</p> <p>may represent the local government in all respects as though the person were the local government.</p>	
<i>Bush Fire Regulations 1954</i>	<p><u>Granting of Permits</u></p> <p>Regulations 16 and 24 "Term used: authorised officer" of the <i>Bush Fire Regulations 1954</i> state that "for the purposes of this Part, the term <i>authorised officer</i> means the Chief Executive Officer of the local government or an officer duly appointed by the local government to grant a permit to burn clover.</p>	
<i>Bush Fires (Infringement) Regulations 1978</i>	<p><u>Withdrawal of Infringement Notices</u></p> <p>The already delegates, in respect to the withdrawal of infringement notices that the CEO and the Shire President are Prescribed Officers (Section 4) for the purposes of section 59A(5) of the Act.</p>	
<i>Local Government (Functions and General) Regulations 1996</i>	16. Receiving and opening tenders, procedure for	18. Rejecting and accepting tenders
<i>Local Government (Functions and General) Regulations 1996</i>	24. People who submitted expression of interest to be notified of outcome	Nil
<i>Local Government (Financial Management) Regulations 1996</i>	<p>Regulation 5 – CEO's duties as to financial management states that 'Efficient systems and procedures are to be established by the CEO of a local government' (a) to (g).</p>	<p>(2) The CEO is to —</p> <p>(a) ensure that the resources of the local government are effectively and efficiently managed; and</p> <p>(b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and</p> <p>(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local</p>

Head of Power	Detail	Conditions
		government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.
<i>Local Government (Audit) Regulations 1996</i>	<p>r.17. CEO to review certain systems and procedures:</p> <p>(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —</p> <p>(a) risk management; and</p> <p>(b) internal control; and</p> <p>(c) Legislative compliance.</p>	<p>(2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.</p> <p>(3) The CEO is to report to the audit committee the results of that review.</p>
<p><i>Local Government Act (Miscellaneous Provisions) Act 1960</i></p> <p>• s.478. Dying etc. impounded cattle, destruction of etc.</p>	This section gives the power directly to the mayor, president, or chief executive officer, of the local government.	As per s.478
<i>Section 45(1) of the Cat Act 2011</i>	A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.	<p>This delegation is subject to the provisions of Sections 45(3) and (6).</p> <p>The powers that an authorised person would have are detailed in Subdivision 2 of the Cat Act 2011.</p>
<i>Section 286 of the Public Health Act 2016.</i>	A CEO of the local government, prescribed by the regulations in respect of the enforcement agency, is responsible for providing documentary evidence of certain matters as a "Relevant Officer".	
<i>Section 23 Burning during prohibited burning times of the Bush Fires Act 1954</i>	The burning of bush under this section is subject to the owner or occupier of land obtaining a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land is situated, or from the chief executive officer of the local government if a bush fire control officer is not available.	
<i>Section 102 of the Conservation and Land Management Act 1984</i>	Public authority is the local government.	Local Government may make local laws.
<i>Section 45 of the CAT Act 2011</i>	A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of	(3) A person who is not an employee of a local government cannot be appointed to be an

Head of Power	Detail	Conditions
	any of the CEO's duties under another provision of this Act.	authorised person for the purposes of this section.
<i>Cemeteries Act 1986</i>	A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties for the purposes of section 63 on the terms and conditions that were applicable to the person's authorisation under section 64(1) immediately before the day referred to in subclause (1).	Sub-Clause 1 was the operation of the Local Government Legislation Amendment Act 2019 section 97.
<i>Section 38 Control of Vehicles (Off Road Areas) Act 1978</i>	The CEO can appoint authorised persons for the purposes of the Act either in respect of the whole of a district or any part of a district specified in the appointment.	
<i>Section 10AB of the Dog Act 1976</i>	The CEO is to keep a register of delegations made under Section 10AA(1)	
<i>Section 11A of the Dog Act 1976</i>	The CEO must, under the Local Government Act 1995 section 9.10(2), appoint persons to be authorised persons for the purposes of this Act.	

EA1 Noise Control – Serve Environmental Protection Notices [S65(1)]

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

Published in Government Gazette No.47, 19 March 2004

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows -

Powers and duties delegated -

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made –

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved -

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

POWERS AND DUTIES

This delegation is a Statutory Delegation to the CEO holding office under the *Local Government Act 1995*.

FUNCTION

Powers and duties stated above in the gazettal notice.

This Delegation made under Section 20 of the EP Act relates to Section 65 EPN's and not the Regulations. Even if the Council does not have any authorised officers nor do any noise enforcement the CEO can still issue an EPN for noise. It is advisable that they have some training if they were to issue that EPN hence authorised officers and measurements of sound etc.

The link is here: <https://www.der.wa.gov.au/our-work/programs/379-authorised-officer-program> there are manuals and assessments included.

CONDITIONS

Conditions stated above in the gazettal notice.

The DWER CEO authorises LGA officers under section 87 and 88 of the Environmental Protection Act 1986. The Local Government Authority CEO certifies that the LGA (employing authority) supports the applicant's authorisation. See [Application for Appointment form](#).

EA1 NOISE CONTROL – SERVE ENVIRONMENTAL PROTECTION NOTICES	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> A14 - Trading in thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> <i>Environmental Protection Act 1986</i>, Section 20, Delegation No 52; In accordance with Section 65 of the <i>Environmental Protection (Noise) Regulations 1997 Act</i>.
File Number:	<ul style="list-style-type: none"> HLT18.

EA1 NOISE CONTROL – SERVE ENVIRONMENTAL PROTECTION NOTICES	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Environmental protection notices issued are to be kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	When DR Reviewed (Correspondence ICR27296)
Review Date(s):	22 June 2021

EA2 Noise Control – Keeping of Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

Published in Government Gazette No.232, 20 December 2013

EV402* ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to—

- (a) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities—noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation—
- (h) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.
 JASON BANKS, Acting Chief Executive Officer.

Approved by—
 JOHN DAY, Acting Minister for Environment; Heritage.

POWERS AND DUTIES

This delegation is a Statutory Delegation to the CEO holding office under the *Local Government Act 1995*.

FUNCTION

Powers and duties stated above in the gazettal notice.

CONDITIONS

Conditions stated above in the gazettal notice.

EA2 NOISE CONTROL – KEEPING OF LOGBOOKS, NOISE CONTROL NOTICES; CALIBRATION AND APPROVAL OF NON-COMPLYING EVENTS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> A.14 - Trading in Thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> <i>Environmental Protection Act 1986</i>; In accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>.
File Number:	<ul style="list-style-type: none"> EVT1

EA2 NOISE CONTROL – KEEPING OF LOGBOOKS, NOISE CONTROL NOTICES; CALIBRATION AND APPROVAL OF NON-COMPLYING EVENTS	
Record Keeping (s.546(3))	<p>The following written records are to be kept in a relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy:</p> <ul style="list-style-type: none"> • Noise Management Plans relating to specified works. • A log recording bellringing or amplified calls to worship • Noise Control Notices in respect of community noise under regulation 16; • Noise Management Plans in relation to motor sport venues under Part 2 Division 3; • Noise Management Plans in relation to shooting venues under Part 2 Division 4; • details of calibration results undertaken and obtained under Schedule 4; and • Approval of events or venues for sporting, cultural and entertainment purposes.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
Conditions	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	When DR Reviewed (Correspondence ICR27296)
Review Date(s):	22 June 2021

EA3 Noise Control – Noise Management Plans – Construction Sites [Reg.13]

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Environmental Health Officers

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

Published in Government Gazette No.71 – 16 May 2014

EV405*

ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of —

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act, all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.
JASON BANKS, Acting Chief Executive Officer.

Approved by—
Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage

POWERS AND DUTIES

This delegation is a Statutory Delegation to the CEO holding office under the *Local Government Act 1995* and to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act.

FUNCTION

Powers and duties stated above in the gazettal notice.

CONDITIONS

Conditions stated above in the gazettal notice.

EA3 NOISE CONTROL – NOISE MANAGEMENT PLANS – CONSTRUCTION SITES	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> A.14 - Trading in Thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> <i>Environmental Protection Act 1986</i>, Section 20, Delegation No 52.
File Number:	<ul style="list-style-type: none"> EVT1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Noise Management Plans are to be kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Suitable for Acting through an Authorised Person as stated in the Statement of Intent.
Adoption Date:	24 November 2005
Review Date(s):	22 June 2021

EA4 Delegation to the CEO In relation to the Freedom of Information Act 1992

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the ***Freedom of Information Act 1992*** which defines:

- (a) an ***agency*** as being a public body or office and a ***public body*** as meaning a local government; and
- (b) a ***principal officer*** of an agency “(c) in relation to a local government – the Chief Executive Officer (CEO) of the local government.”

POWER AND DUTIES

This delegation is a Statutory Delegation to the Principal Officer of the Agency, holding office under the *Local Government Act 1995*.

FUNCTION

This delegation enables the CEO to make decisions on behalf of the Agency or direct an officer of the agency to make a decision, either generally or in a particular case in respect to an FOI Application in accordance with Section 100 “who in Agency makes decisions” of the *Freedom of Information Act 1992*.

The *Freedom of Information Act 1992* [Part 5 Publication of Information about agencies] section 94 “Terms used: information statement” stipulates that the information statement is required to contain information regarding the designation of the officer or officers to whom initial inquiries as to access to documents can be made.

CONDITIONS

Decisions made under the *Freedom of Information Act 1992* by an agency are to be made by the principal officer of the agency, or an officer of the agency directed by the principal officer for that purpose, either generally or in a particular case. This is in accordance with Section 100 “Who in Agency makes its decisions” of the *Freedom of Information Act 1992*.

Staff are given authority by the CEO to make decisions in regard to applications submitted to the Shire under Division 2 - Procedure for dealing with access applications of the *Freedom of Information Act 1992* in accordance with Council Administration Policy A.16 Freedom of Information.

Only the CEO will make determinations regarding applications for an Internal Review made under Division 5 — Internal review of decisions as to access (s.39-44) of the *Freedom of Information Act 1992*.

Section 5.94 "Public can inspect certain local government information" states that a person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection.

Section 5.95 of the Local Government Act 1995 defines the restrictions in place where a person's right to inspect information referred to in Section 5.94 does not extend to the inspection of information in certain circumstances.

Regulation 29A "Limits on right to inspect local government information" defines the nature under which information is prescribed as being of a private or confidential nature that may or may not be available for inspection if a local government so resolves. In cases where access to information would fall into this category, the CEO will bring the matter to Council for consideration.

EA4 DELEGATION TO THE CEO IN RELATION TO THE FREEDOM OF INFORMATION ACT 1992	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> A.16 - Freedom of Information.
Other Relevant References: <i>Freedom of Information Act 1992</i> [Part 5 Publication of Information about agencies]	<ul style="list-style-type: none"> Section 94 "Terms used: information statement"; Section 95 "Term used: internal manual"; Section 96 "Information statement, each agency to publish annually"; and Section 97 "Information statement and internal manual, each agency to make available etc.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 5.94 "Public can inspect certain local government information"; Section 5.95 "Limits on right to inspect local government information"; and Section 5.96 "Copies of information to be available".

EA4 DELEGATION TO THE CEO IN RELATION TO THE FREEDOM OF INFORMATION ACT 1992	
Other Relevant References: <i>Local Government (Administration) Regulations 1996</i>	<ul style="list-style-type: none"> • Regulation 29 "Information to be available for public inspection" (Part 7 – Access to Information); • Regulation 29A "Limits on right to inspect local government information"; and • Regulation 29B "Copies of certain information not to be provided".
File Number:	<ul style="list-style-type: none"> • FOI/FOI1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Any applications or response to those applications via written means related to FOI requests are to be retained in the records system on an FOI file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
Conditions	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> • Suitable for Acting through an Authorised Person as stated above.
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

EA5 Delegation to the CEO In relation to the Public Interest Disclosure Act 2003

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate and Community Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

This delegation was from an External Agency through the *Public Interest Disclosure Act 2003* which defines a *public authority* as meaning a local government or a regional local government.

POWERS AND DUTIES

This delegation is a Statutory Delegation to the Principal Executive Officer of the Public Authority, holding office under the *Local Government Act 1995*.

FUNCTION

Powers and duties of a Principal Executive Officer are in accordance with Section 23 of the *Public Interest Disclosure Act 2003*.

The CEO, as the principal executive officer of a public authority has the power to designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information in accordance with Section 23 of the *Public Interest Disclosure Act 2003*.

CONDITIONS

Conditions are in accordance with Section 23 of the *Public Interest Disclosure Act 2003*.

EA5 DELEGATION TO THE CEO IN RELATION TO THE PUBLIC INTEREST DISCLOSURE ACT 2003	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> Section 23 of the <i>Public Interest Disclosure Act 2003</i>.

EA5 DELEGATION TO THE CEO IN RELATION TO THE PUBLIC INTEREST DISCLOSURE ACT 2003	
File Number:	<ul style="list-style-type: none"> MAN8.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Internal procedures prepared under subsection (1)(e) must be consistent with guidelines prepared by the Commissioner under section 21; prepare and publish internal procedures relating to the authority's obligations under this Act; and Ensure a Register is kept of any disclosures made and correspondence is registered between the Shire of Toodyay and the Commissioner's Office.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> Suitable for Acting through a Designated Person as stated above.
Adoption Date:	22 September 2015
Last Review Date:	22 June 2021

EA6 Delegation to the CEO In relation to the Local Government Act 1995 – Elections and other polls

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the *Local Government Act 1995* which defines through Part 4 Elections and other polls [Division 7 Provisions about electoral officers and the conduct of elections] the following:

Section 4.20 “CEO to be returning officer unless other arrangements are made” of the *Local Government Act 1995*, appoints the CEO of a local government for each election as a Returning Officer.

Section 4(1) of the Act provides the definition of an electoral officer as meaning “a returning officer or a deputy returning officer or electoral officer appointed by a returning officer”.

POWER AND DUTIES

This delegation is a Statutory Delegation to the Principal Officer of the Agency, holding office under the *Local Government Act 1995*.

Section 4.19 “Returning Officer” states that “the principal electoral office of a local government is that of returning officer.”

FUNCTION

The CEO, appointed under section 4.20(1) of the *Local Government Act 1995*, will appoint one or more deputy returning officers or electoral officers to assist in the conduct of elections according to the principles set out in section 5.40 of the *Local Government Act 1995* (refer to r.6 “Appointment of electoral officers” of the *Local Government (Elections) Regulations 1997*).

CONDITIONS

In accordance with Section 7 “Declaration by electoral officer” of the *Local Government (Elections) Regulations 1997* before beginning to act as an electoral officer the Returning

Officer appointed under section 4.21 or an electoral officer appointed under Section 4.32 is to make a declaration (Form 1) before the Returning Officer (i.e., CEO).

Section 4.26 (2) “Delegation” of the *Local Government Act 1995* states that a returning officer may delegate any of his or her powers or duties under this Act (except this power of delegation) to a deputy returning officer.

Section 4.27 “Regulations about electoral officers and conduct of elections” of the *Local Government Act 1995* states that the regulations may include provisions for (b) the appointment, removal or suspension of electoral officers, (c) declarations to be made by electoral officers, and (d) setting out functions to be performed by local governments, CEOs and returning officers to ensure the proper and efficient conduct of elections.

EA6 DELEGATION TO THE CEO IN RELATION TO THE LOCAL GOVERNMENT ACT 1995	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
<i>Local Government Act 1995</i> <i>Part 4 Elections and other polls [Division 7</i> <i>Provisions about electoral officers and the</i> <i>conduct of elections]</i>	<ul style="list-style-type: none"> Section 4.20 “CEO to be returning officer unless other arrangements made”; Section 4.21 “Deputy Returning Officer”; Section 4.26 “Delegation”; and Section 4.27 “Regulations about electoral officers and conduct of elections”. Section 4.32. “Eligibility to enroll under s. 4.30, how to claim.” Section 4.34. “Accuracy of enrolment details to be maintained.” Section 4.35. “Decision that eligibility to enroll under s. 4.30 has ended”
<i>Local Government (Elections) Regulations</i> <i>1997</i> Part 2 “Electoral Officers”	<ul style="list-style-type: none"> Section 6 “Appointment of electoral officers”; Section 7 “Declaration by electoral officer”; and Section 8 “Electoral codes of conduct”.
File Number:	<ul style="list-style-type: none"> ELE1.

EA6 DELEGATION TO THE CEO IN RELATION TO THE LOCAL GOVERNMENT ACT 1995	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Returning Officer is required to keep written records of all actions taken in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	22 September 2015
Last Review Date:	22 June 2021

EA7 Delegation to the Environmental Health Officer (EHO) in relation to the Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through Section 26 of the *Health (Miscellaneous Provisions) Act 1911* that in terms of the powers of local government, stated the following:

Every local government is authorised and directed to carry out within its district the provisions of the Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

Section 3 of the Act states “A reference in a written law or document to an environmental health officer, medical officer or public health official may, if the context permits, be taken to be a reference to an authorised officer.”

Refer to Delegation ES3.

POWERS AND DUTIES

The powers and duties of an EHO are stated in Section 312 of the *Public Health Act 2016*.

FUNCTION

The functions performed by an EHO will be in accordance with Prescribed Acts (and the provisions of those Acts) as follows:

- (a) Parts 8, 9, 14 and 16 of the *Public Health Act 2016*; and

- (b) the Health Act sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 227(1), 228(1), 234(1), 257, 262(3), 265(1), 267(1)(c), 268(a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375; and
- (c) the *Dog Act 1976*; and
- (d) the *Tobacco Products Control Act 2006*; and
- (e) the *Food Act 2008*; and
- (f) the *Cat Act 2011*.

Refer to Delegation ES3.

CONDITIONS

Section 38 of the Act implies that every local government shall, in the prescribed form, during the month of February in every year, and at such other times as the Executive Director, Public Health may direct, report to the Executive Director, Public Health concerning the sanitary conditions of its district, and all works executed and proceedings taken by the local government.

EA7 DELEGATION TO THE EHO IN RELATION TO THE PUBLIC HEALTH ACT 2016 AND THE HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 -	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> <i>Public Health Act 2016,</i> <i>Health (Miscellaneous Provisions) Act 1911;</i> <i>and</i> <i>Health Legislation Administration Act 1984.</i>
File Number:	<ul style="list-style-type: none"> STR22
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Decisions made in respect to this delegation and any matters related thereto are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.

EA7 DELEGATION TO THE EHO IN RELATION TO THE PUBLIC HEALTH ACT 2016 AND THE HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 -	
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Environmental Health Officer
Conditions	<ul style="list-style-type: none"> In accordance with the conditions noted above.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> Refer to the Statement of Intent
Adoption Date:	28/06/2016 (Council Resolution: 90/06/16)
Review Date(s):	22 June 2021

EA8 Delegation to the CEO In relation to the Local Government Act 1995 – Powers of Entry in an emergency

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the *Local Government Act 1995* which defines through Part 3 Functions of Local Governments (Division 3 Executive functions of Local Governments the following:

Section 3.34 “Entry in an emergency” of the *Local Government Act 1995* states that if it is the opinion of the CEO of a local government that the circumstances are such that compliance with the requirements for obtaining entry other than under this section would be impractical or unreasonable because of, or because of the imminent risk of an emergency that the CEO can authorise Officers to enter land in an emergency without notice or consent.

This delegation is to authorise entry onto land to fulfil any statutory function that the Shire of Toodyay has under the *Local Government Act 1995 (subdivision 3 – Powers of Entry)*.

POWER AND DUTIES

This delegation is a Statutory Delegation to the Principal Officer of the Agency, holding office under the *Local Government Act 1995* (the Act).

This delegation will allow the Local Government to, in an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency as determined by the Chief Executive Officer.

FUNCTION

The CEO will determine in an emergency, whether Officers of the Shire of Toodyay may lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency in accordance with Section 3.34 “Entry in an emergency” of the Act.

CONDITIONS

This delegation does not include those duties referred to in section 5.43 of the Act. This delegation is also subject to the requirements of other legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*.

Refer to E2 Delegation to the CEO – Local Government Act 1995 in respect to the appointment of Authorised Persons.

EA8 Delegation to the CEO In relation to the Local Government Act 1995 - Powers of Entry in an emergency	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government Act 1995</i>, Part 3, Division 3, Subdivision 3.
File Number:	<ul style="list-style-type: none"> Relevant Property File.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Notices and relevant evidence of determinations recorded on relevant file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services; Manager Planning & Development; and Manager Assets and Services .
Conditions	<ul style="list-style-type: none"> In accordance with conditions above.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Suitable for Acting Through in accordance with 3.31(2) of the <i>Local Government Act 1995</i>.
Adoption Date:	18 April 2013
Last Review Date:	22 June 2021

EA9 Development Applications made under the auspices of the Planning and Development Act 2005 (PDA)

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2nd day of June 2016



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

In order to reduce processing times and costs, the Minister for Lands Hon. Terry Redman MLA, has recently approved new and more streamlined arrangements to allow Local Government Authority CEOs to sign selected Development Applications, without need of referral to the Department of Lands (DoL).

POWERS AND DUTIES

This is a Statutory Delegation made to any person holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

The Schedule to the Instrument of Authorisation dated 2 June 2016, sets out the specific types of Development Applications for which a local government CEO can now sign as owner.

FUNCTION

The Schedule referred to in the Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005* contained three columns. The second column listed all local governments. The third column listed the conditions to the delegation (refer to the “conditions” section of this delegation).

Column 1 of the Instrument of Authorisation reads as follows:

The power to sign as owner in respect of Crown land that is:

- (a) A reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- (b) The land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a “minor encroachment” in the *Building Regulations 2012* (Regulation 45A), or is an “awning, verandah or thing”(Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road.

In respect of development applications being made under or referred to in:

- (a) Section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (b) Section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);

- (c) Section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (d) Section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (e) Section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);
- (f) Section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the Heritage of Western Australia Act 1990, or of which such a place forms part;
- (g) Section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

CONDITIONS

In accordance with and subject to approved Government Land policies.

Please ensure that any such signature is subject to and also annotated with the standard endorsement i.e.

Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

Development Applications relating to Unallocated Crown land, Unmanaged Reserves, land under management order to a local government where the development is not consistent with the reserve's purpose, or is used for commercial purposes, or land which is subject to a lease issued under the *Land Administration Act 1997*, will still need to be referred for the Department of Lands' consideration and signature.

EA9	DEVELOPMENT APPLICATIONS MADE UNDER THE AUSPICES OF THE PLANNING AND DEVELOPMENT ACT 2005 (PDA)
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EA9 DEVELOPMENT APPLICATIONS MADE UNDER THE AUSPICES OF THE PLANNING AND DEVELOPMENT ACT 2005 (PDA)	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> <i>Planning and Development Act 2005: s.99 (2), s.103 (2), s.115, s.122A, s.162, s.163, s.171A and s.267A.</i> <i>Land Administration Act 1997: s.55 (2) and s.46;</i> <i>Building Regulations 2012: r45A, r45B.</i>
File Number:	<ul style="list-style-type: none"> DEV1/CON5.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Applications and matters related thereto are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> <i>In accordance with the functions and conditions placed upon this Statutory Delegation.</i>
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> <i>Appointment of a Designated person subject to Section 234 of the Planning and Development Act 2005 and subject to Section 127 (3) and Section 127(6A) of the Building Act 2011; and</i> <i>Refer to the Statement of Intent.</i>
Adoption Date:	Department of Lands Director General Correspondence - ICR38764.
Review Date(s):	22 June 2021

EA10 Delegation to the Ranger, Pound keeper / Authorised Person in relation to the Biosecurity and Agricultural Management Act 2007

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the *Biosecurity and Agricultural Management Act 2007* regulations for Identification and Movement of Stock and Apiaries that states a Ranger /Pound keeper means a ranger appointed under the *Local Government (Miscellaneous Provisions) Act 1960* section 449. (Refer to Delegation ES1).

POWERS AND DUTIES

This delegation is a Statutory Delegation to the Ranger/Pound keeper holding the office of an authorised person under the *Local Government Act 1995*.

The *Biosecurity and Agricultural Management Act 2007* defines a **public authority** and as meaning a local government (Council). The local government is also an “operator”.

FUNCTION

The Ranger / Pound Keeper (Authorised Officers) will exercise the provisions of the Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013 and the Local Government Act (Miscellaneous Provisions) Act 1960.

CONDITIONS

The exercise of power will be in accordance with conditions set out in the Local Government Act 1995 and the Local Government Act (Miscellaneous Provisions) 1960 and the Biosecurity and Agricultural Management Act 2007.

Refer to Delegation ES1 in terms of authorised persons.

EA10 DELEGATION TO THE RANGER, POUND KEEPER / AUTHORISED PERSON IN RELATION TO THE BIOSECURITY AND AGRICULTURAL MANAGEMENT ACT 2007 -

EA10 DELEGATION TO THE RANGER, POUND KEEPER / AUTHORISED PERSON IN RELATION TO THE BIOSECURITY AND AGRICULTURAL MANAGEMENT ACT 2007 -	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay Health Local Law; and Shire of Toodyay Pest Plants Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> Health (Miscellaneous Provisions) Act 1911; and Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013
File Number:	<ul style="list-style-type: none"> RGR7
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Decisions made in respect to this delegation and any matters related thereto are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable
Conditions	<ul style="list-style-type: none"> In accordance with the conditions noted above.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent
Adoption Date:	22 May 2018
Review Date(s):	22 June 2021

EA11 Delegation to Local Government Officers under the *Strata Titles Act 1985*

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*.

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function under the Act or any other written law to a local government, a committee established under the Local Government Act 1995 or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

POWERS AND DUTIES

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED-

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;

- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the Strata Titles Act 1985 as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND "Del 2020/01-Powers of Local Governments" to give effect to its resolution and to publish an updated, consolidated instrument.

FUNCTION

Schedule 1

1. **Applications made under section 15 of the *Strata Titles Act 1985***

Power to determine applications under section 15 of the Strata Titles Act 1985, except those applications that-

- (a) propose the creation of a vacant lot;
- (b) propose vacant air strata's in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the Strata Titles Act 1985);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to-
 - i. a type of development; and/or
 - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined 1s otherwise in the public interest for the WAPC to determine the application.

2. **Applications under sections 21 and 22 of the *Strata Titles Act 1985***

Power to determine applications under-

- (a) section 21 of the Strata Titles Act 1985;
- (b) section 22 of the Strata Titles Act 1985 where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

CONDITIONS

3. **Reporting requirements**

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

Refer to Delegation ES1 in terms of authorised persons.

EA10 Delegation to Local Government Officers under the Strata Titles Act 1985	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> Strata Titles Act 1985; Government Gazette dated 29 Jan 2021, page 449 and 450.
File Number:	<ul style="list-style-type: none"> MAN6
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Decisions made in respect to this delegation and any matters related thereto must be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable
Conditions	<ul style="list-style-type: none"> In accordance with the conditions noted above.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> Refer to the Statement of Intent
Adoption Date:	22 June 2021
Review Date(s):	22 June 2021

Appointment of Acting or Temporary Chief Executive Officer

Introduction

This policy is intended to ensure continuity of service by the Chief Executive Officer to the Shire of Toodyay in periods of limited absence, in accordance with Section 5.39C(1)(a) and (b) of the *Local Government Act 1995*.

Application

This policy applies to the position of the Chief Executive Officer (CEO) and will outline the process for the appointment of an Acting CEO to cover periods of personal leave, sick leave, compassionate leave, annual leave and long service leave as well as during periods of unforeseen prolonged absence of the CEO for more than five working days.

Policy Intent including Legislative and Strategic Context

To meet the requirements of the following legislative provisions:

- Section 5.36(5A) of the *Local Government Act 1995* requires local governments to propose that the position of CEO be filled by a person in a prescribed class.
- Section 5.36(2)(a) of the *Local Government Act 1995* requires local governments not appoint a person to the position of CEO unless they believe that the person is suitably qualified for the position.
- Section 5.36(3) of the *Local Government Act 1995* states that a local government is not to employ a person in any other position unless the CEO believes the person is suitably qualified for the position and is satisfied with proposed arrangements relating to the persons employment.
- Section 5.44(1) and (5) of the *Local Government Act 1995* *statutorily legislates power to a Chief Executive Officer to delegate to any employee of the local government the exercise of any of the CEO's powers or discharge of any of the CEO's duties under the Act other than the power of delegation subject to the person having appropriate qualifications.*

Policy Conditions

The CEO is required to give a minimum of three weeks' notice to the Shire President and all parties that may be affected by this policy, in respect to applications for annual or long-service leave of more than two weeks.

A Council resolution is required for periods of leave exceeding two months.

1. Applications for Leave

An application for annual leave, long service leave, personal leave or an extended absence made by the CEO is to be approved by the Shire President.

2. Appointment of an Acting CEO

Where there are periods of annual leave, long service leave or other periods of extended absence of the CEO it is appropriate for a person to perform the duties of the CEO to enable the efficient functioning of the local government's administration.

Executive Managers will be appointed to the role of Acting CEO at the discretion of the CEO, subject to officer performance and dependent on availability and operational requirements.

Appointment to the role of Acting CEO must be made in writing by the CEO.

Appointment to the role of Acting CEO may be only made by the CEO for periods of leave up to two months.

Where the CEO appoints a person to the position of Acting CEO, the CEO is to advise all Elected Members in writing of the appointment and the period to which the appointment covers.

3. Unexpected absence or vacancy

In the event that the CEO is required to take unexpected leave or is otherwise incapacitated or the position falls unexpectedly vacant, and no appointment has been made, the following line of succession shall apply until Council appoints an Acting CEO :

- Manager Corporate and Community Services;
- Manager Assets and Services; and
- Manager Planning and Development.

Should the Acting CEO, whether appointed by the CEO or otherwise, becomes incapacitated as well, the Manager who is next in the rotation of appointments as Acting CEO is appointed as Acting CEO.

Reference Information

Related Documents

Related Legislation *Local Government Act 1995*

Associated Forms and Attachments

Version Control Information

Version No.	Issue Date	Nature of amendment	Developed By	Approved By
V01	9 June 2021	New Policy	Executive Services	Council

Document Control Information

Document Theme	Governance
Document Category	Governance
Document Title	Appointment of Acting or Temporary Chief Executive Officer
Document ID	
Document Owner (position title)	Council
Author (position title)	Executive Services
Date of approval	22 June 2021 (Res No. 132/06/21)
Approving authority	Council
Access restrictions	Nil
Date Published	23 June 2021
Date of last review	n/a
Date of next review	23/02/2022
Archived antecedent documents and previous versions	Delegation ES15 and a previous Council decision made in 2016.

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5 Crawford Court, York, Western Australia 6302
Telephone: (08) 9641 1318
ACN 009 034 271 • ABN 50 009 034 271

18th February 2021

Mrs Suzie Haslehurst
Chief Executive Officer
Shire of Toodyay
15 Fiennes St
TOODYAY WA 6566

SHIRE OF TOODYAY
Record Number: <u>ICR74683</u>
24 FEB 2021
Officer / Dept: <u>EXECSEC</u>
File Number: <u>LEG082</u>

Dear Suzie

RE: RECYCLE PROCESSING RATE CHANGE FOR SHIRES

Avon Waste has recently entered into a new contract with the Southern Metropolitan Region of Councils (SMRC) to process all of the recyclable material we collect from the various Shires. This Contract sees a significant increase in our processing rates. I am now writing to all local government clients to propose passing on this exact gate fee and suggest a fairer, more accountable gate fee moving forward.

Over the past few years there have been significant factors that have influenced the processing rate that are out of the control of Avon Waste and the Recyclable Processing companies alike. In Perth in early 2019 there was three processing facilities capable of processing our collected material being SUEZ (formally the Perth Waste site), South Metropolitan Region of Councils and Cleanaway.

The China "National Sword" legislation introduced in January 2018 meant that Australia's biggest buyer of recyclable product virtually stopped accepting Australian product overnight due to contamination and market conditions. This market previously imported around a half of the world's recyclable waste. Without this market, Perth MRF operators struggled to offload their product and when it was able to be sold, it was sold at a significantly reduced rate. This of course forced the Processing gate fee up as MRF's struggled to remain financially viable.

The other significant event that took place was the fire and total loss of the Cleanaway site nearly twelve months ago. This took out Perth's largest and newest MRF meaning that third party collection companies such as ours only had the SMRC and SUEZ as an option as to where to take our recycling product. With the major Cleanaway facility gone in Perth and the other two now at full capacity it has resulted in gate fees rising again to new levels.

The rate Avon Waste pays is now at a point where the difference between what we charge the local governments and what we are charged by the SMRC facility is too great a difference and we are no longer able to absorb it. We are therefore writing to all of our Shire clients to discuss the implementation of a fairer processing fee whereby any rise and fall in processing rate is directly passed on to the Shires. Avon Waste is not receiving any margin on the proposed rate and the rate is 100% transparent.

Currently the Shire of Toodyay pays \$71.50 per tonne inc GST to have the Recyclables processed.

Avon Waste has signed a three year Contract with the SMRC that has the initial processing gate fee at \$154 per tonne inc GST. This amount has recently been reduced to \$147.39 inc GST due to favourable market conditions

We are therefore looking to pass on this fee on to our Shire clients.

As a comparison on a previous months (average of Nov, Dec and Jan) invoice the difference is as follows:

Existing Rate

Average Total tonnage	23.29 tonne @ \$71.50	Total	\$1665.23
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New Rate

Average Total tonnage	23.29 tonne @ \$147.39	Total	\$3432.71
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The difference is \$1767.48 per month and approx. \$21209.79 per year

Whilst this is an upward variation in rates, it should be noted that the proposed rate is a floating rate based on the sale of the Basket of Goods from the MRF. This means the rate will be adjusted each quarter as sale Contracts are negotiated with the MRF.

This increase in rates will be offset with income derived from the new Containers for Change or Container Deposit Scheme (CDS) legislation. This legislation will see a cost share arrangement between local governments and MRF operators. This income will help offset the cost of recycling programmes within local Government and hopefully see a reduction in the MRF processing rate. Whilst facts and figures have been based on likely presentation rates, the real effects of this legislation will not be known until a full year of collection and processing is done. Agreements will be made with all local governments that send recycling to Perth so a formal cost share agreement is signed. Avon Waste is simply a third party collector so will not benefit from the CDS legislation. Any income derived from this scheme is shared evenly between the local Government and the MRF operator (less costs).

A likely income back to the Local Governments is circa \$41 per tonne (based on current modelling). The monthly income would therefore be around \$954.89 and therefore a yearly amount of approx. \$11,458.68 if volumes were to remain the same.

These figures are based on initial audits of collected material and likely ratepayer involvement in the scheme. It is predicted that some residents will withhold eligible containers from their bins and redeem the rebate themselves. This will result in less tonnes being collected within the Shire. Many local factors will determine if this is more noticeable in the first few months of the scheme introduction and may see volumes return to current levels after the initial honeymoon period.

A copy of the Recovery amount protocol is attached for your reference to show how the rebate calculations will be determined by the MRF

A copy of the Local Government Sharing Protocol and Cost Sharing agreement is also attached for your reference.

I would also like to confirm our position regarding the "ownership" of recyclables collected through the collection services. We will ensure that ownership of the recyclables remains with the Local Government so they are eligible to receive the CDS income.

I appreciate that this letter and information may have an effect on the current Shire budget. I am therefore writing to seek to adjust the pricing as of 1st April 2021. This will mean the Shire has over six months of CDS income before the cost increase of the processing rate comes into effect.

I am happy to come and visit with yourself and/or members of the Council to discuss the matter further.

I look forward to your consideration to this matter and reply.

Your Faithfully,

A handwritten signature in black ink, appearing to read 'Ashley Fisher', with a stylized flourish at the end.

Ashley Fisher

Managing Director

Avon Waste